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THE
LEGISLATIVE ASSEMBLY DEBATES
(OFFICIAL REPORT OF THE THIRTEENTH SESSION OF THE FIFTH
LEGISLATIVE ASSEMBLY)

VOLUME I—1941

LEGISLATIVE ASSEMBLY

Tuesday, 11th February, 1941

The Assembly met in the Assembly Chamber of the Council House in New Delhi, at Eleven of the Clock, being the First Day of the Thirteenth Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935. Mr President (The Honourable Sir Abdur Rahim, K C S I), was in the Chair.

MEMBERS SWORN

Mr T Chapman-Mortimer, M L A (Bengal European),
Sir Raghavendra Rau, M L A (Government of India Nominated Official),
Mr V T. Dehejia, M L A (Government of India Nominated Official),
Maulvi Mazharul Islam, M L A (Bengal Nominated Official), and
Khan Sahib Shaikh Abdul Hamid, M L A (Punjab Nominated Official)

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

PURCHASE OF KB ENGINES

1. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Railway Member be pleased to state the number of KB engines purchased by the Railway Board and the dates on which they were purchased?

(b) What was the necessity of purchasing unnecessarily large number of engines without giving them sufficient trial?

(c) Is it not a fact that the consulting engineers in London advised the Railway Board not to purchase these engines without sufficient trial?

(d) Is it not a fact that Mounts Committee expressed its regret at this action of the Railway Board?

(e) Is it not a fact that the principal reason for designing these engines was to secure greater speed while consuming lower grade of coal?

(f) Was XB engine designed by the Central Standards Office? If so, what experiments were carried out before such engines were ordered for?

The Honourable Sir Andrew Olow: I would refer the Honourable Member to the Pacific Locomotive Committee Report, copies of which were supplied to all Honourable Members of this House, and to the discussion on this subject in this House on the 30th August, 1939, and 11th September, 1939

Mr. Lalchand Navalrai: How many XB engines are now working?

The Honourable Sir Andrew Olow: I hope they are all working. I have not got a record of those on the lines at present.

Mr. Lalchand Navalrai: How many were purchased, and how many are in existence now?

The Honourable Sir Andrew Olow: I presume the same number as has been reported to the Assembly, no more has been ordered.

Mr. Lalchand Navalrai: How many accidents happened during the last two years?

The Honourable Sir Andrew Olow: I gave the number of derailments in answer to a question last Session. I cannot recollect any recent derailment involving an XB engine.

Dr. Sir Ziauddin Ahmad: How many of these engines are now in workshops, and how many are working?

The Honourable Sir Andrew Olow: Some are in workshops, some in the sheds, and some on the lines. I cannot tell the exact numbers.

Mr. Lalchand Navalrai: Were all the changes and alterations suggested made before the engines were sent for working?

The Honourable Sir Andrew Olow: Engines are being altered and changed, but if the Honourable Member wants the particular stage to which the alterations reached, I require notice.

Maulvi Abdur Rasheed Ohaudhury: Why were these engines purchased against the advice of the Consulting Engineer?

The Honourable Sir Andrew Olow: The Honourable Member evidently did not read the report supplied to him, nor follow the debate in the House.

Mr. M. S. Aney: Can the Honourable Member assure the House that no engine has been put to work unless the necessary changes have been carried out to it?

The Honourable Sir Andrew Olow: No, Sir. The alterations are designed to secure their running at high speeds. The engines can ordinarily work at speeds to which they are at present restricted without the alterations suggested by the committee.

Mr. Muhammad Azhar Ali: Do Government think they are now fit for use?

The Honourable Sir Andrew Clow: I have just explained the position that so far as we know, they are entirely safe at the speeds to which they are at present restricted.

Dr. Sir Ziauddin Ahmad: With reference to part (d), what is the answer?

The Honourable Sir Andrew Clow: The Honourable Member has got a copy of the Mount Committee's Report and he can refer to it.

Dr. Sir Ziauddin Ahmad: Is it or is it not a fact that the Mount Committee regretted the action taken by the Railway Board?

The Honourable Sir Andrew Clow: The Honourable Member can verify whether it is a fact or not by referring to the report. I have not got a copy here with me.

Dr. Sir Ziauddin Ahmad: Will you tell me whether it is a fact or not? I do not want for my own information, but the public should know through an answer given on the floor of this House?

The Honourable Sir Andrew Clow: The Honourable Member can make a speech later on in public.

Dr. Sir Ziauddin Ahmad: The answer to part (f) is not contained in the report?

The Honourable Sir Andrew Clow: I have nothing to add to what I have already said.

INSPECTION OF RAILWAYS

2. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable Member for Railways be pleased to state whether Government have modified, or contemplate modifying, the existing system of inspection of Railways by the Government Inspectors?

(b) How many Government Inspectors are there at present? Are Government contemplating increasing the number? If so, to what extent?

(c) What was the recommendation of the Retrenchment Committee of 1931 on this subject?

(d) Is it not a fact that the Railway Committee appointed by the Secretary of State for India in 1933 recommended that the Railway Inspectors whose principal duty is the safety of passengers should be under a department other than the Department of Communications?

(e) Have the Government of India accepted the recommendations of the London Committee? If not, why not?

The Honourable Sir Andrew Clow: (a) Government have decided to modify the existing organisation for the inspection of Railways.

(b) There are at present five Government Inspectors. Particulars of the revised cadre will be published in due course.

(c) The Retrenchment Committee of 1931 recommended that the then existing eight circles should be reduced to five

(d) The Committee recommended that one of the Departments of the Federal Government, other than that responsible for Transport and Communications, should be responsible for the enforcement of safety regulations

(e) As the Federal Government which the Committee envisaged is not in being, the question of accepting the recommendation has not, in the strict sense, arisen, but I hope that it will be possible to make a statement on the subject very shortly

Mr. Lalchand Navalrai: What are the major modifications that are being made?

The Honourable Sir Andrew Clow: I cannot give further information in advance of the statement which will be made later on

APPOINTMENT OF RAILWAY INSPECTORS

3. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member please state whether it is a fact that the Government of India have made a rule that only persons of State Railway Service will be appointed as Government Inspectors, even excluding the engineers serving on the State Railways but appointed by the Companies before their purchase by the State?

(b) Are these Railway Inspectors eligible to hold every appointment on Indian Railways after retirement?

(c) What are the conditions of their appointment

(d) Who is the appointing authority—the Member for Railways, or any other Member of the Government of India?

(e) What are the conditions of appointment and what are the salaries of these Inspectors?

The Honourable Sir Andrew Clow: (a) Yes

(b) The Honourable Member's question is not clear. If he desires to know whether under the present system Senior Government Inspectors are considered for appointment to other posts on Railways, so long as they are in Government service the answer is in the affirmative

(c) There are no special conditions attaching to their appointment

(d) The Railway Board

(e) As regards the first part, the Honourable Member is referred to the reply to part (c). As regards the second part, two Senior Government Inspectors are in the scale of Rs 2,750—125—3,000, three are in either Rs 1,750—100—2,150 or on Rs 1,950 fixed, overseas pay £13-6-8, if admissible, is also drawn

Mr. Lalchand Navalrai: Are these Inspectors recruited directly, or do they rise from other posts?

The Honourable Sir Andrew Clow: They are drawn from railway engineers, and not directly

Dr. Sir Ziauddin Ahmad: Will those engineers, who were recruited by the companies and have now become State servants, be eligible for these posts?

The Honourable Sir Andrew Clow: I believe they are eligible, but I am not certain. I have no reason to suppose that they are not eligible.

Dr. Sir Ziauddin Ahmad: Are these Inspectors, who are appointed for a fixed term, eligible for appointment in other posts under the railways?

The Honourable Sir Andrew Clow: The Honourable Member seems to be repeating part (b) of the question to which I have already given an answer.

Dr. Sir Ziauddin Ahmad: I did not follow that answer. Will the Honourable Member kindly repeat it?

The Honourable Sir Andrew Clow: I said that if the Honourable Member desires to know whether under the present system Senior Government Inspectors are considered for appointment to other posts on Railways, so long as they are in Government service the answer is in the affirmative.

Dr. Sir Ziauddin Ahmad: Will it not affect the efficiency of these Inspectors who have to express judgment on the working of the railways if they are to be candidates for other jobs under the railways?

The Honourable Sir Andrew Clow: I am aware that that view is held.

Dr. Sir Ziauddin Ahmad: What is the view of Government?

The Honourable Sir Andrew Clow: The Honourable Member is not entitled to ask for my opinion on a question.

Dr. Sir Ziauddin Ahmad: In the interest of efficiency is it not desirable not to appoint these Inspectors to other posts after their retirement, so that they may be independent?

The Honourable Sir Andrew Clow: I fully appreciate the Honourable Member's argument, but he is now asking me for an expression of my opinion.

Dr. Sir Ziauddin Ahmad: I am not asking for opinion, I want to know the decision of Government.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member is asking for opinion.

Dr. Sir Ziauddin Ahmad: I want to know the view of the Government of India.

The Honourable Sir Andrew Clow: I am perfectly willing to give the Honourable Member my opinion in the course of a debate, but not in reply to a question.

TOOFAN EXPRESS ACCIDENT NEAR FATEHPORE, EAST INDIAN RAILWAY.

4. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Railway Member lay a full statement about the accident to 7 Up Toofan Express, East Indian Railway, that occurred on the New Year's Day near Fatehpore?

(b) Is it a fact that the accident was due to the coming off of the front wheel of the engine?

(c) Did the engine belong to the East Indian Railway, and where was the engine examined before starting on its journey?

(d) Was this accident due to the present policy of running the engines for long distances and changing the drivers at intervals?

(e) Did the Railway Inspectors make an enquiry? If so, will Government lay on the table of the House the full report of that enquiry?

(f) Was there any casualty?

The Honourable Sir Andrew Clow: (a) I lay a statement on the table

(b) No The derailment was due to the fracture of the leading axle of the tender

(c) Yes it was examined at Moghalsara

(d) No

(e) No The cause of the accident being clear, no enquiry was necessary

(f) No

Statement regarding the accident to 7 Up Toofan Express

At 6.25 on 1st January 1941 while 7 Up Toofan Express was running between Fatehpur and Kurast, Kalan on the Allahabad Division of the East Indian Railway, the leading tender wheels of engine 1098 Pe 1 were derailed at mile 588. As a result of the accident the line was blocked from 6.25 to 10.5 hours.

The derailment was due to the fracture of the left journal of the leading tender wheel axle which broke off near the inner end of the journal. It revealed three distinct zones with different structures with heat tinted marks on their surface. There was also clear heat tinting on the axle at the left wheel seat. The immediate cause of the breakage was evidently overheating and sudden cooling by the application of water.

Dr. Sir Ziauddin Ahmad: Has the Honourable Member seen an article in the *Statesman* of Calcutta in which it was alleged that this accident took place on account of the wheel going off the axle?

The Honourable Sir Andrew Clow: I have not seen the article, but the Honourable Member will find the cause of the accident given in the statement I have laid on the table.

Mr. Lalchand Navalrai: Was it an XB engine?

The Honourable Sir Andrew Clow: I am not certain, but I do not think

INSTALLATION OF A BROADCASTING STATION AT NAGPUR

5. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Communications please state if Government are prepared to provide a broadcasting station at Nagpur in the Central Provinces and Berar? If not, why not?

The Honourable Sir Andrew Olow: The claim of Nagpur to have a broadcasting station will be considered in connection with the next programme of development to be undertaken when funds become available

Mr. Lalchand Navai: May I know if any programme has been made about the opening of broadcasting stations, and if Karachi will have a chance?

The Honourable Sir Andrew Olow: I do not think, Sir, that arises out of this question

Mr. Lalchand Navai: I am asking if there has been a programme

Mr. President (The Honourable Sir Abdur Rahim) The question is confined to Nagpur Next question

APPOINTMENT OF A CHARGEMAN, MECHANICAL WORKSHOPS, NORTH WESTERN RAILWAY, MOGHALPURA

6. ***Bhai Parma Nand:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that a Railway Notice was advertised in the Wanted Column of the *Tribune*, Lahore, dated the 17th September, 1940, inviting applications for the post of a chargeman by the Superintendent, Mechanical Workshops, North Western Railway, Moghalpura?

(b) Is it also a fact that in that notice certain definite qualifications were required of the applicants?

(c) How many applicants were required to present themselves for interview?

(d) Did the selected candidate fulfil the conditions laid down in the advertisement? If not, why was he preferred to other candidates who fulfilled the required conditions?

The Honourable Sir Andrew Olow: (a) and (b) Yes

(c) Nine, but only seven out of these presented themselves for the interview before the Selection Board

(d) None of the candidates possessed all the qualifications prescribed, but the Selection Board considered the candidate who was appointed as the best of those who presented themselves

THEFT OF AN INSURANCE COVER FROM BAG-SREERAMPURE BRANCH POST OFFICE, JESSORE DISTRICT, BENGAL.

7. ***Dr. P. N. Banerjee:** (a) Will the Honourable Member for Communications please state whether it is not a fact that an insurance cover containing rupees three thousand (Rs 3,000) was stolen from the Bag-Sreerampore branch post office, district of Jessore, Bengal, on the 1st September, 1939?

(b) Is it not a fact that the police authority of Narail, district Jessore, submitted charge-sheet against the Branch Postmaster and delivery agent, and they were committed to Sessions by the Sub-Divisional Officer of Narail?

(c) Is it not a fact that the Sessions Judge of Jessore delivered judgment in the case in February 1940, acquitting all the accused and remarking in his judgment that the Inspector of Post Offices, Jessore Division, Eastern sub-division and the Sub-Postmaster Naldi, conspiring together, had concealed the real culprit and caused the arrest of innocent men?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state what steps, if any, have been taken in the matter? If no steps have been taken, what is the reason for not taking any steps? Have the discharged innocent persons been reinstated? If not, why not?

(e) What steps have been taken to realise the money contained in the insured cover?

Sir Gurunath Bewoor: (a) and (b) Yes

(c) The Assistant Sessions Judge, Jessore, delivered judgment in February, 1940, acquitting the accused. The answer to the latter portion of the question is in the negative

(d) The first part of the question does not arise. As regards the last part, the branch postmaster and the delivery agent were, on departmental enquiry, found to be primarily responsible for the loss, on account of having infringed departmental rules and, therefore, they were removed from service.

(e) A sum of Rs 657-2-0 has been recovered and a further sum of Rs 350 is under recovery from a blameworthy official. Further recovery is not possible

Mr. Lalchand Navalrai: Was this extraction of Rs 3,000 made during transit or from any post office after the bags were received?

Sir Gurunath Bewoor: We have not been able to discover exactly where the loss occurred

Dr. P. N. Banerjee: With reference to part (d) of the question, is it not right that when the accused persons were let off by the trying judge they should be reinstated?

Sir Gurunath Bewoor: Not always, Sir. As the officials were found guilty of breach of departmental rules, action was taken against them under the usual procedure

Mr. Lalchand Navalrai: Was any departmental inquiry held, or was it based on the judgment?

Sir Gurunath Bewoor: A departmental inquiry was made

DISMANTLING OF BRANCH RAILWAY LINES

8. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to state how many branch railway lines have already been removed and traffic stopped thereby and whether these lines have already been removed from India?

(b) Were these lines which have been removed running at a loss to the State or to the private companies, or were they yielding income?

(c) Which of these lines belonged to the State, and which belonged to private companies?

(d) Were the private companies compensated by Government for stopping these lines and for withholding all traffic? If so, to whom were these compensations paid and on what basis?

(e) Did the removal of such railway lines and stopping of traffic inconvenience commerce, trade and passengers? If so, what arrangements have been made to avoid such inconveniences?

(f) If these railway lines were removed for use in war going on outside India, will the compensation or price of these lines be paid by British Exchequer or by the Government of India? If the latter, why?

The Honourable Sir Andrew Olow: (a) Six branch lines have already been removed and the material is moving towards its final destination

(b) The Honourable Member is referred to the statement given to the Central Advisory Council for Railways on 2nd December, 1940, in which it was stated that these lines are regarded as unremunerative

(c) All the six branch lines were State-owned

(d) Does not arise

(e) Inconvenience cannot be avoided when railways are closed, but the branches selected for lifting have served areas where there are alternative means of communication by road

(f) The British Exchequer will accept a debit equivalent to the full value of all materials supplied to them from these dismantled lines

Pandit Lakshmi Kanta Maitra: May I know what the Honourable Member means by "final destination"?

The Honourable Sir Andrew Olow: I cannot give the particulars. I have already said in the House that it means overseas

Mr. Lalchand Navalsai: Were all the six railways unremunerative?

The Honourable Sir Andrew Olow: That is our view

TICKETLESS TRAVELLERS ON STATE RAILWAYS

9. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Railways be pleased to state the number of ticketless travellers detected within the 1st January, 1940, and the 31st January, 1941, travelling on different State Railways and what punishment has been meted out to them?

The Honourable Sir Andrew Olow: I am unable to supply figures for the calendar year but place on the table a statement giving for the financial year 1939-40 the number of travellers detected travelling without tickets on each Class I Railway, the number who paid the excess fares and penalties and the results of action taken under sections 112 and 113 of the Indian Railways Act. Details of the punishments are not recorded, but under the existing Act these can only be fines under section 112 and penalties under section 113

*Statement relating to passengers found travelling without proper tickets on Class I Railways (excluding Indian State Railways)
Financial year 1939-40.*

Railways	Total number of passengers found travelling without tickets	Number of passengers who paid excess fares and penalty on detection	Details of action taken under Indian Railways Act									
			Under section 112					Under section 113.				
			Let off	Fare and penalty recovered	Punishment inflicted	Pending in Courts	Total	Let off	Fares and penalty recovered	Punishment inflicted	Pending in Courts	Total
1 A B	61,170	48,712			16	4	20	1,589	591		8,495	10,675
2 B & N W	348,517	305,766	1,026	199	33	13,940	15,198	635	320½		18,537½	19,493
3 B N	81,560	20,675	151	383	56	931	1,521	1,246	1,266½	37	9,297½	11,847
4. B B & C I	977,365	292,188½		109	703		812	18	63			71
5 E B	258,903	218,722	173	131	1,595	98	1,997	12,135	1,606		17,835	31,676
6 E I	234,088	182,178	861	1,595	7,313	5,259	15,028	5,891	9,947	1,588	19,456	36,882
7. G I P	494,086½	206,716½	98½	126	1,519	43½	1,867	247½	403½	142	105½	898½
8. M & S M	399,744	138,172	67	291	1,663	60	1,081	133	236	187	151	707
9 N. W	410,278	306,248	912	1,505	2,654	1,001	6,072	2,646	2,093	1,905	5,533	12,177
10 R & K.	55,994	53,919						387	255	3	867	1,502
11 S I	158,005	95,243	22	161	923	70	1,176	7,741	2,229		8,958	18,928

Pandit Lakshmi Kanta Maitra: Does the statement include mendicants and beggars who travel without tickets?

The Honourable Sir Andrew Clow: They are not recorded separately in the statement

Pandit Lakshmi Kanta Maitra: Do the figures in the statement give any clue as to the categories of people who travel without tickets?

The Honourable Sir Andrew Clow: No, Sir, they are all ticketless travellers

Dr. Sir Ziauddin Ahmad: Does the statement give the percentage of those who travel without tickets to the total number of passengers?

The Honourable Sir Andrew Clow: No, Sir, I was not asked for that statement. But the number of passengers who travel is given in the annual report of Indian Railways. I cannot give the number of those who travel without tickets, I can only give the number detected travelling without tickets.

Pandit Lakshmi Kanta Maitra: I think the Honourable Member knows that there is a class of professional people who travel without tickets. And as the Honourable Member has got a Bill before the House for checking ticketless travel, did he not think it necessary to show in the statement the percentage of habitual travellers without tickets like mendicants and beggars to the total number of ticketless travellers?

The Honourable Sir Andrew Clow: No, Sir. But I certainly took into consideration the fact that there are habitual offenders, and that is one reason for enhancing the penalty.

Mr. Lalchand Navalrai: Has the number been reduced as compared with what it was the previous year?

The Honourable Sir Andrew Clow: I have not got the figures for the previous year here.

Mr. Lalchand Navalrai: Is the Honourable Member prepared to say that the number has decreased?

The Honourable Sir Andrew Clow: As I have already said, I have no information.

Sir H. P. Mody: Have any regulations been issued as to how often a man can travel without a ticket?

The Honourable Sir Andrew Clow: No.

CATERERS ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS

10. ***Mr. Amarendra Nath Chattopadhyaya.** (a) Will the Honourable Member for Railways be pleased to state how many caterers have been appointed throughout the East Indian Railway and the North Western Railway lines, and what are their respective jurisdictions?

(b) Will the Honourable Member be pleased to state if complaints have^a been received against caterers regarding quality of food supplies and the price of food charged?

(c) Are there proper arrangements for inspection regarding (i) quality of food supplied by caterers, (ii) freshness of food, and (iii) proper service and behaviour of caterers?

(d) Have caterers to pay any fees for licences and fares for travelling on trains, and is any dining car arrangement under contemplation under the management of these caterers?

(e) How many stall-holders are appointed for catering tea and confectionery and sweetmeat and milk at junction stations on the East Indian Railway?

The Honourable Sir Andrew Olow: (a) and (e) This information is not available with Government and I have ascertained that no register giving it is maintained at the headquarters of the railways. I regret that I cannot undertake the compilation of a new register, but if the Honourable Member wishes information about any particular station, it can be procured.

(b) Complaints have occasionally been made to Government in this House and elsewhere.

(c) Yes.

(a) Licence fees are paid. Free passes are given to the travelling staff of the Contractois. Dining cars exist on the two Railways mentioned but, as far as Government are aware, there is no proposal to extend their use.

Pandit Lakshmi Kanta Maitra: Do I understand the Honourable Member to say that no register is maintained showing the number of caterers on each railway or on each State-managed railway?

The Honourable Sir Andrew Olow: Government maintain no register. There is no register maintained at headquarters. It is a matter falling within the purview of the Divisional Superintendents.

Pandit Lakshmi Kanta Maitra: Do I understand that the Railway Board do not maintain any such register?

The Honourable Sir Andrew Olow: That is the case.

Mr. Lalchand Navalrai: May I know whether these caterers have been paying license fees and fares for travelling because it was pressed that they should pay something, even nominally. Has that been implemented?

The Honourable Sir Andrew Olow: So far as I know, license fees are paid. As far as I can recollect, a view taken in the Central Advisory Council was that they were in some cases excessive. The recommendations of the Council at the last session were accepted by the Government.

Mr. Lalchand Navarai: But an inquiry had to be made and certain officers had to be appointed to find out what would be a just charge to take

The Honourable Sir Andrew Clow: Certain principles were recommended by the Central Advisory Council in respect of these license fees and these were accepted by the Government

Mr. Lalchand Navarai: But have the General Managers actually gone into that question and decided how much to charge?

The Honourable Sir Andrew Clow: I presume they have. We did not lay down actual rates of charges, we only laid down certain principles

Dr. Sir Ziauddin Ahmad: Is it a fact that the General Manager of the North Western Railway has appointed a special officer to inquire what should be the license fees in the case of various restaurants and refreshment rooms? I think the idea behind this appears to be that in future economic rates will be charged and not merely nominal rates as the Council decided?

The Honourable Sir Andrew Clow: I am obliged to the Honourable Member for the information, which was not in my possession

AMOUNTS OF SALARY MONEY PAID TO MUSLIM AND NON-MUSLIM EMPLOYEES OF CERTAIN RAILWAYS

†11. ***Mr. Muhammad Nauman:** Will the Honourable Member for Railways be pleased to state

- (a) the total amount of money paid as salaries to gazetted officers on the East Indian Railway, the Eastern Bengal Railway, and the Great Indian Peninsula Railway, showing separately the amount as paid in 1939-40 on each Railway,
- (b) the amount of the salaries paid to Muslim and non-Muslim officers of gazetted rank on the East Indian Railway, the Eastern Bengal Railway, and the Great Indian Peninsula Railway, separately, under each head for the period 1939-40 financial year,
- (c) the total amount of salaries paid by the East Indian Railway, the Eastern Bengal Railway and the Great Indian Peninsula Railway to their employees receiving Rs 50 to Rs 150 (excluding allowances) as their substantial salaries in the financial year 1939-40,
- (d) separately the amounts paid as salaries to Muslim and non-Muslim employees who are receiving between Rs 50 and Rs 150 monthly as substantial salaries on each of the railways, viz., the East Indian, the Eastern Bengal and the Great Indian Peninsula, and
- (e) the total amount of salaries paid on each of the following railways showing separately Muslim and non-Muslim shares in the total amount of all employees receiving rupees fifty and

† Answer to this question laid on the table, the questioner being absent

upwards and including the highest gazetted officers on (1) the Bombay, Baroda and Central India Railway, (2) Bengal and North Western Railway, (3) Madras and Southern Mahratta Railway, and (4) Rohilkund and Kumaon Railway as shown in the financial year of 1939-40?

The Honourable Sir Andrew Clow: (a) I would refer the Honourable Member to Appendix C-III of Vol II of the Report by the Indian Railways, 1939-40

(b), (c), (d) and (e) No statistics on a communal basis relating to salaries or wages are maintained and it is not possible for me to state even the aggregate amounts drawn by subordinates within the particular limits of pay given. As regards gazetted officers, the salary drawn by each officer at the date of publication is given in the Classified List of State Railway Establishment, a copy of which is in the Library of the House

RENTS COLLECTED FROM REFRESHMENT ROOM CONTRACTORS ON CERTAIN STATE RAILWAYS

†12. ***Mr. Muhammad Nauman** (a) Will the Honourable the Railway Member be pleased to state the total rent collected from the different refreshment room contractors on the East Indian Railway, the Eastern Bengal Railway and the Great Indian Peninsula Railway?

(b) Is the Honourable Member aware of the average daily sales in Muhammadan and Hindu refreshment rooms? If not, is the Honourable Member prepared to make necessary enquiries in the matter?

(c) Will the Honourable Member be pleased to state the basic principle for levying such rents?

The Honourable Sir Andrew Clow: (a) I would refer the Honourable Member to the information laid on the table in reply to Mr Satyamurti's starred question No 1088 of the 16th September, 1938

(b) The answer to both parts of the question is in the negative

(c) Railways have been informed that Government accept the recommendation of the Central Advisory Council for Railways that an economic rent should be charged for refreshment rooms but that, after consultation with Local Advisory Committees, a lower rent or even no rent may be charged in order to avoid the necessity of withdrawing an existing facility

UNSATISFACTORY WORKING OF THE REFRESHMENT ROOM AND VENDING CONTRACTS ON THE EAST INDIAN RAILWAY.

†13. ***Mr. Muhammad Nauman:** (a) Is the Honourable the Railway Member aware that the contractors for refreshment rooms and for vending are sub-letting parts of their contracts on some stations on the East Indian Railway?

(b) Is he aware that the contractors of refreshment rooms normally avoid keeping books of inspection and only apologise if such books are demanded?

† Answer to this question laid on the table, the questioner being absent.

(c) Do the food inspectors at all visit the kitchen and examine the food in raw condition?

(d) Do these inspectors of food send any reports to the Railway Board? If not, why not?

The Honourable Sir Andrew Clow: (a) and (b) No

(c) Yes

(d) No The Inspectors make their reports direct to the Administrations concerned

UNSATISFACTORY WORKING OF THE REFRESHMENT ROOM AND VENDING CONTRACTS ON THE EAST INDIAN RAILWAY.

†14. ***Mr. Muhammad Nauman:** (a) Is the Honourable the Railway Member aware that the quality of food supplied by the contractors of refreshment rooms on the East Indian Railway is very poor and that state meat and vegetables are normally being served to passengers?

(b) Is the Honourable Member aware that the present contractors for refreshment rooms and for vending find out methods to suppress correspondence of the nature of complaints?

(c) Is the Honourable Member prepared to make thorough enquiries into the matter?

The Honourable Sir Andrew Clow: (a) and (b) No

(c) No The Divisional Superintendents within whose competence the matter lies are at all times prepared to receive complaints from passengers who have reasonable ground for them, and I am unable to understand how caterers can prevent such complaints from being sent

DISMANTLING OF BRANCH RAILWAY LINES

†15. ***Mr. Muhammad Nauman:** (a) Will the Honourable Member for Railways be pleased to state how many of the Railway lines, already dismantled, were unremunerative and for how many years?

(b) At the time when dismantling of lines was suggested for war purposes, were Government aware of any such incident in other parts of His Majesty's possessions, including dominions and protectorates? If not, are Government prepared to make necessary enquiries?

(c) What is the total amount of money which the Railway Department has claimed as price for these rails from the Supply Department, and is any agreement possible as to the Supply Department agreeing to meet the cost of re-installation of such lines which the Railway Board may decide to reinstate after the war is over? If not, why not?

The Honourable Sir Andrew Clow: (a) The Honourable Member is referred to my reply to part (a) of starred question No. 8 by Mr. Amarendra Nath Chattopadhyaya

† Answer to this question laid on the table, the questioner being absent

Of the six lines already lifted, four, which have been constructed in recent years, have been unremunerative since their opening. The remaining two are small branch lines of older construction for which separate statistics have not been kept, but Government have been advised by the General Manager that they are unremunerative.

(b) I understand that a considerable quantity of rails of suitable section has been made available for War purposes from other parts of the Empire, but cannot give particulars of the methods by which they have been provided.

(c) The Honourable Member is referred to part (f) of the starred question No 8 by Mr Anarendia Nath Chattopadhyaya. If any of these branch lines is to be relaid after the War, the cost of labour involved in relaying will be recovered.

MEDICAL OFFICERS ON CERTAIN RAILWAYS

*16. *Mr. Muhammad Nauman: (a) Will the Honourable the Railway Member be pleased to state the total number of medical officers including District Medical Officers and Chief Medical Officers on the East Indian Railway, the Eastern Bengal Railway, the Great Indian Peninsula Railway, the Bombay, Baroda and Central India Railway and the Bengal and North Western Railway and lay on the table a statement showing their names and salaries as shown on the 30th June, 1940?

(b) Is it a fact that the quota of minority communities even in the initial stage of recruitment is not completed on one ground or another, and that the same is made up by appointments in lower grades of Rs 30 or so?

The Honourable Sir Andrew Clow: (a) The Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways corrected up to 31st December, 1939, gives the number, names and salaries of all medical officers of gazetted rank on the Eastern Bengal, East Indian, Great Indian Peninsula, Bombay, Baroda and Central India and Bengal and North Western Railways. Similar information in respect of Assistant Surgeons on the Eastern Bengal, East Indian and Great Indian Peninsula Railways is contained in the 'Classified Lists of subordinate staff of all Departments on scales of pay rising to Rs 250 and above' of these Railways. Information regarding the number and the salaries drawn by the Assistant Medical Officers, Assistant Surgeon, Sub-Assistant Medical Officers and Sub-Assistant Surgeons on the Bombay, Baroda and Central India Railway, Assistant Medical Officers and Sub-Assistant Surgeons on the Bengal and North Western Railway and Sub-Assistant Surgeons on the East Indian and Great Indian Peninsula Railways is contained in the Establishment Rolls of these Railways but Government do not maintain lists of the names of officials. Copies of all the publications referred to are in the Library of the House.

(b) No

*Answer to this question laid on the table, the questioner being absent

STATEMENTS LAID ON THE TABLE

Information promised in reply to part (d) of starred question No 99 asked by Bhai Parma Nand on the 15th February, 1940

FIXATION OF PAY OF RETRENCHED STAFF RE-APPOINTED IN THE COMPILATION SECTION OF THE CHIEF ACCOUNTS OFFICE, NORTH WESTERN RAILWAY

The cases have been examined in the light of the policy followed on all Railway and it has been ascertained that prior to retrenchment these men were employed as substitutes for temporary purposes and were, therefore, wrongly allowed the old scales of pay in the first instance. It is not proposed to alter the decision taken which was in accordance with orders issued by the Railway Board in 1932.

Information promised in reply to parts (a), (b) and (d) of starred question No 399 asked by Mr Lalchand Navalrai on the 15th March, 1940

RACIAL DISCRIMINATION IN THE EQUIPMENTS OF GUARDS' RUNNING ROOMS

(a) The statements below give the information required

(b) Such difference as exists between the equipment of European and Indian Running Rooms is due partly to the fact that the European running rooms are intended for guards in higher grades and partly to differences in the mode of living of the communities

(d) The answer to the first part is in the affirmative and the other parts do not

Scale of furniture, crockery, cutlery, etc., for the European Running Rooms on N W Railway

The lower figure is intended for the Running Room required to accommodate 1 to 3 men and the higher figure for those required to accommodate 10 to 12 men

Almirah, office, wooden	.		Lockers should be provided.
Pillows and blankets and covers for mattress.	6 to 24		
Pillows, pillow cases and sheets	12 to 48		
Mattresses	3 to 12		
Bed, newar	3 to 12		
Board, furniture list	2		
Chairs with arms	4 to 12		
Chairs without arms	1	For each bed room	
Chairs, easy	2 to 8		
Clock, round case	1	For each room	
Cloths, table ordinary	6 to 24		
Table napkins	12 to 48		
Commodore on iron legs	1 to 4		
Glass, looking	1	For each bath room	
Grating for bath rooms	1	Ditto	
Lamps, burner, brass with C I S stand	2 to 6	1 for each room and one spare	
Lamp for bath rooms	1	For each bath room.	
Lamp for kitchen	1	For each kitchen	
Look, iron, galvanised, 2, ½	.	As required	
Matting, coir	.	As required for number of rooms allotted	
Pots, chamber	2 to 6		
Pots, commode	1 to 4		
Poultry cages	1 to 2		

Name of article	Number of article.	Remarks
Racks for hats	1 to 4	As required
Rat trap		
Stand for sorahis	1 to 2	
Stand for chilamchi and towels	} 1 to 3	
Tables without drawers		
Stands for chamber pot	1 to 2	For each room. For each dressing room or according to number of rooms allotted for drivers
Table, dining	1	
Table, dressing	1	
Table, cook	1	For each cook
Tubs, iron, galvanised	1 to 4	
Tea pots	2 to 8	
Towels, wash hand	12 to 48	
Wash hand basins, A W	} 1 to 4	
Wash hand jugs, A W		
Wash hand brush dishes	} 1 to 2	
Wagonnettes for crockery		
Boards knife, cleaning	1	For each cook
Board, pastry chopper, meat	1	For each dining room
Hot case	1 or 2	
Grid irons	2 to 4	
Kettles, A W	} 1	For each cook
Knife, cook		
Meat safe		
Mortar and pestle	2 to 3	
Frying pans	1 or 2 sets	
Pots, cooking, A W	2	For each cook
Spoons, cooking	1 to 2	
Tin openers	1	For each cook
Pins, rolling	1	For each kitchen.
Stone, curry		
Basin, sugar	} 1 to 4	
Butter pots		
Cups and saucers, tea and coffee	12 to 30 sets.	
Trays for tea cups	} 2 to 6	
Milk jugs, glass		
Water jugs		
Egg cups	6 to 18	
Dishes, vegetables, curry and pudding	2 to 4	
Plates, cheese, dessert, dinner and soup	6 to 18	
Dishes, soup	1 to 4	
Jars, pickle	1 to 2	
Cruet stands	1 to 4	
Forks, dessert, knife, dessert and table	12 to 36	
Knife, fork, carving and bread	1 to 2	
Butter knife and toast rack	1 to 4	
Spoons, dessert and table	12 to 36	
Spoons, mustard and salt	2 to 4	
Spoons, tea	6 to 24	
Spoons, eggs	6 to 18	
Salt cellars	2 to 4	
Tea pots	2 to 4	
Tumblers, glass	12 to 36	
Parat, brass	} 1 to 2	
Mincing machine		
Country axe		
Cork screws	1 to 3	

Scale of furniture and crockery utensils for Hindu Running Rooms on N W Railway

Name of article	Number of article	Remarks
Almirah, wooden, office		Lockers or cupboards should be provided
Pillow cases and blankets	6 to 24	
Pillows and cots, moonj or string	3 to 12	
Benches, iron legged	1 to 3	
Boards, furniture list	} 1	
Board, sign or notice		
Boxes, wooden, deodar	1 to 2	
Buckets, iron, galvanized	2 to 4	
Chairs without arms or stools, wooden	3 to 12	
Durries, bedding	3 to 12	
Glasses, looking	1 to 3	
Lamp, burner, brass	1	In each room
Lock, iron, galvanized, 2"		As required
Hat racks	} 1 to 2	
Stands, wooden for sorahis		
Tables with drawers	1 to 3	
Bake, iron or tawa	1	For each cook
Knife, cook	1	Ditto
Meat safe	1 to 2	
Mortar and pestle	1	For each cook
Karahi, iron, small	1	Ditto
Pots, cooking	1 to 2 sets	
Spoons, cooking, brass	2	For each cook
Stone, curry	1	Ditto
Pin, rolling	1	
Thales, brass	} 1 to 12	
Katoras, brass		
Parats, brass	1 to 3	
Axes, country	1 to 2	
Mugs, brass	3 to 12	
Pots, brass, lotah	2 to 6	
Spoons, tea	3 to 12	
Cups and saucers, tea	4 to 16	
Tea pots	1 to 4	
Kettles, A W	1 to 3	

(China plates for rice to be provided in all Indian Running Rooms to the extent of 50 per cent of the maximum number of men using the Running Room simultaneously)

Scale of furniture and crockery, utensils for Muhammedan Running Rooms on the N. W. Railway

Name of article	Number of article	Remarks
Almirah wooden, office		Lockers should be provided
Pillow cases and blankets	6 to 24	
Pillows and cots, moonj or string	3 to 12	
Benches, iron legged		
Board, furniture list	} 1 to 2	
Board, sign or notice		
Box, wooden, deodar		
Bucket, iron, galvanized		
Chairs, without arms or stools, wooden	3 to 12	
Durries	4 to 16	

Name of article	Number of article	Remarks
Glasses, looking	1 to 3	Or according to number of rooms in each
Lock, iron, galvanized, 2"		As required
Lamp, burner, brass	1	In each room
Hat racks	1 to 4	
Stands, wooden, for sorahis	} 1 to 3	
Tables without drawers		
Bake, irons or tawa	2 to 4	
Knife, cook	1	For each cook
Meat safes	1 to 2	
Mortar and pestle	1	For each cook
Karahis, iron, small	1 to 3	
Pots, cooking, A P	1 to 2 sets	
Spoons, cooking	2	For each cook
Stones, curry, without mutter	1 to 2	
Thalis, copper and katoras, copper	4 to 16	
Pins, rolling with chakla	1 to 2	
Parats, copper	1 to 3	
Spoons, tea	3 to 12	
Axes, country	1 to 2	
Pots, copper, with spout	1 to 4	
Cups and saucers, tea	4 to 16	
Tea pots	1 to 4	
Kettles, A W	1 to 3	
Tumblers	3 to 12	

N B —China plates for rice to be provided in all Indian Running Rooms to the extent of 50 per cent of the maximum number of men using the Running Room simultaneously

Information promised in reply to part (d) of unstarred question No 2 asked by Mr Lalchand Navalrai on the 5th November, 1940

EXCLSS PAYMENTS BY THE EMPLOYEES OF THE NORTH WESTERN RAILWAY TO THE RAILWAY MEDICAL STAFF

(d) The attention of the Government of India was first drawn to the matter by the question referred to by the Honourable Member

Information promised in reply to unstarred questions Nos 10, 11, part (a) of 16, 22 and 27 asked by Dr P N Banerjee on the 5th November, 1940

DELEGATION OF POWER TO MAKE FIRST APPOINTMENTS IN NON-GAZETTED POSTS ON CERTAIN STATE RAILWAYS

No 10 —In respect of all grades of non gazetted staff Complete information concerning the dates of such delegations is not available

GRADES FOR WHICH DIRECT RECRUITMENT IS CONSIDERED DESIRABLE ON CERTAIN STATE RAILWAYS

No 11 —The information is given in the appended statement

Statement showing the grades higher than the lowest fixed by the General Managers of State Managed Railways to which direct recruitment is considered desirable in the interest of administration

Railway	Category		Date of fixation.
Eastern Bengal Rail-	Guards, B class	65—5/2—85	23rd March, 1938
East Indian Railway	Guards, Grade I	100—10/2—120	December, 1937
Great Indian Peninsula Railway	No definite grades have been fixed to which direct recruitment is to be made		
North Western Railway	1 Guards	65—5/2—85	9th October, 1937
	2 Ticket Collectors	65—5/2—85	Ditto
	3 Special Ticket Exam-	100—10/2—120	Ditto
	4 Nurses	160 fixed	Ditto
	5 Ward keepers	100—10/2—120	Ditto
	6 Chemists	230 fixed	17th May, 1938
	7 Clerks	65—5/2—85	Ditto
	8 Stenographers	100—10/2—120	27th April, 1939

SUBSIDIARY RULES MADE BY THE GENERAL MANAGERS OF CERTAIN STATE RAILWAYS AND RELAXATIONS OR MODIFICATIONS IN THEM

No 16—(a) Particulars of the subsidiary Rules so far made by the General Managers of Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways have been received, but as they run to great length and would in many cases convey no clear meaning apart from the main rules with which they are printed, it is not proposed to lay them on the table of the House. They can, however, be inspected in the office of the Secretary to the Railway Board. Some of the rules made by the General Manager, North Western Railway, in connection with the recruitment and training of Non-Gazetted staff, are contained in the Calendar of the Walton Training School, 1940, a copy of which is in the Library of the House.

DISADVANTAGES OF THE STAFF OF COMPANY-MANAGED SECTION OF THE EAST INDIAN RAILWAY TRAINED AT THE RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI

No 22—(a) No, except that staff of the old Oudh and Rohilkund who had passed the goods examination at the old Oudh and Rohilkund training school at Chandausi were not required to pass any further examination on that subject.

(b) No, staff appointed after the 1st January, 1925, to the combined undertaking were trained at the School of Transportation, Chandausi.

(c) Yes

(d) No, but staff who had not already qualified required to pass the examination before they could be promoted.

(e) As the courses at Chandausi school after the 1st January, 1925 do not afford instruction to the standard required in Goods and Coaching duties, staff are required to pass the Goods Accounts Examination before they are promoted, irrespective of whether they have attended courses at Chandausi or not.

**CIRCULAR INSTRUCTIONS FOR GRANT OF GRATUITY TO NON-GAZETTED STAFF
IN LUCKNOW DIVISION OF THE EAST INDIAN RAILWAY**

No 27—(a) The Divisional Superintendent, Lucknow, issued no circular bearing the number and date cited by the Honourable Member, but a letter bearing this number and date was issued to one employee. As regards the latter part, a gratuity is granted at the discretion of Government as a reward for good, efficient and faithful service. This is not a matter in which it is possible to prescribe any rigid standard, the General Manager is competent to withhold a gratuity in whole or in part if in his opinion the employee's service has not been of this nature.

(b) There is no provision of the kind referred to by the Honourable Member in the State Railway Establishment Code.

(c) Does not arise.

*Information promised in reply to part (d) of starred question No 15 asked
by Dr Sir Ziauddin Ahmad on the 7th November, 1940*

SAVINGS DUE TO PARTIAL EXODUS TO SIMLA

Expenditure was incurred on the move to Simla by civil departments
in India in 1940 as compared with that incurred in 1937-38

	Expenditure in 1940	Expenditure in 1937-38	+ Excess or — Saving
(1) Travelling allowance and carriage of records at the time of each move from Delhi to Simla and vice versa	2,99,950	5,90,809	—2,90,859
(2) Allowances	1,95,046	4,88,130	—2,93,084
(3) Hiring of private buildings for office accommodation	3,767	33,820	—30,053
(4) Transit of daily dak bags between Simla and Delhi	54,950		+ 54,950
(5) Telephone trunk calls	44,897		+ 44,897
Total	5,98,610	11,12,759	—5,14,149

NOTE.—While the apparent saving was Rs 5,14,149 the real saving was greater because the 1940 figures include the cost of the Supply Department and in the staff of the Defence and other Departments owing to war conditions.

*Information promised in reply to starred question No 48 asked by
Mr Muhammad Nauman on the 12th November, 1940*

**WANT OF SHUNTING FACILITIES AT BUKHTIARPUR JUNCTION OF THE EAST
INDIAN RAILWAY**

(a) (i) I understand that it is only the work train in the Down direction which is at times detained at Bukhtiarpur.

(ii) Work trains are occasionally stalled on the section. This, however, is at times the result of heavy work at stations other than Bukhtiarpur.

(iii) and (iv) No record of this is now available.

(v) I understand the question of improving yard facilities is under consideration and, if the expenditure is thought justified, the work will be included in the programme for 1942-43.

(b) No

Information promised in reply to starred question No 56 asked by Mr Lalchand Navalrai on 12th November, 1940

COMMUNAL CONSIDERATIONS IN THE PROMOTION OF GUARDS FROM GRADE II TO GRADE III ON THE NORTH WESTERN RAILWAY

- (a) 16, 10 Muslims, 2 Hindus, 2 Sikhs, 2 Anglo-Indians and Domiciled Europeans
- (b) and (c) There was no general list giving seniority, the men were selected from among lists sent in by Divisional Superintendents
- (d) The answer to the first part is in the negative, the latter part does not arise
- (e) Promotion from grade II to grade III is made by selection
- (f) None, as promotions are not made on communal considerations

Information promised in reply to part (b) of starred question No 68 asked by Dr Sir Ziauddin Ahmad on the 13th November, 1940

COMPLAINTS ABOUT THE TREATMENT OF PATIENTS IN THE IRWIN HOSPITAL, NEW DELHI

(b) The posts of Chief Medical Officer and Civil Surgeon, Delhi, and Additional Civil Surgeon, Delhi, are reserved for officers of the Indian Medical Service (Civil) and appointments to these posts are made by the Governor General in Council. Appointments of Assistant Surgeon and Honorary Medical Officers are made by the Chief Commissioner, Delhi, on the recommendations of the Chief Medical Officer and Sub-Assistant Surgeons, House Surgeons and Physicians are appointed by the Chief Medical Officer. The post of Radiologist is a tenure appointment and is filled by an officer of the Indian Medical Department

Information promised in reply to parts (a) and (b) of starred question No 99 and starred question No 100 asked by Dr Sir Ziauddin Ahmad on behalf of Mr H A Sathar H Essak Sait on the 16th November, 1940

MUSLIM OFFICERS EMPLOYED BY THE CALCUTTA PORT TRUST

No 99—(a) On the 31st October, 1940, 252 officers held posts on a maximum salary of Rs 500 and above per mensem. Three were Muslims

(b) 88 officers were recruited to such posts from 1924-25 to 1939-40. Two were Muslims

SCHOLARSHIPS FOR SPECIAL TRAINING GIVEN BY THE GOVERNMENT OF INDIA OR THE CALCUTTA PORT TRUST

No 100—(a) The only candidates assisted by the Calcutta Port Commissioners are workshop apprentices. These apprentices receive a small pay during the period of training, and the Commissioners pay their fees for evening classes at the Calcutta Technical School amounting to Rs 96 per apprentice per annum.

(b) Yes. One of the present apprentices is a Muslim, Ex "Dufferin" Engineer cadet, who is in receipt of a Government of India Marine Engineering Scholarship. Another Muslim apprentice left on 1st October, 1940, but as he had already completed a course at Sibpore College, his attendance at the Calcutta Technical School was dispensed with, and the question of payment of fees did not arise.

Information promised in reply to starred question No 103 asked by Shaikh Rafiuddin Ahmad Siddiquee on the 16th November, 1940

RENT RECEIVED FROM INDIAN STALLS BY THE ASSAM BENGAL RAILWAY

The total receipts from the vending contracts for stalls on the Assam Bengal Railway, for the last three years are

1937-38	1938-39	1939-40
Rs	Rs.	Rs
16,439	16,439	16,724

Information promised in reply to unstarred questions Nos 51, part (a) of 52, 53 and part (b) of 66 asked by Mr Muhammad Azhar Ali on the 16th November, 1940

RULES IN RESPECT OF PAY AND ALLOWANCES, PROVIDENT FUND, ETC., ON THE OUDH AND ROHILKHAND RAILWAY BEFORE AND AFTER AMALGAMATION,

No 51—Non gazetted staff appointed between 1st January, 1925 and 31st March, 1931, are all governed by the appropriate sections of (i) the State Railway Establishment Code, Volumes I and II in matters of Pay and Allowances, Provident Fund and Gratuity, Leave, Transfer and Medical Attendance, and (ii) the State Railway Code for Engineering Department and East Indian Railway Dress Regulations in respect of House rent and clothing, respectively. As regards the School fees, staff appointed on the East Indian Railway area upto 30th June, 1925, as also those appointed on the amalgamated system between 1st July 1925 and 31st January, 1929, are governed by the old East Indian Railway Rules and the rest by the rules in the State Railway Establishment Code, Volume I. The actual grades and scales are not embodied in rules.

CIVIL SUIT BY AN EMPLOYEE DECREEED AGAINST THE NORTH WESTERN RAILWAY

No 52—(a) The answer to the first part is in the affirmative, the latter part does not arise.

ALLEGED SALE OF USED RAILWAY TICKETS

No 53—I have seen the article referred to

(a) The ticket collector concerned was prosecuted by the Government Railway Police, on their own initiative and no enquiries were made by the Railway Administration into this case.

(b) As the matter was not enquired into by the Railway Administration, this part does not arise.

(c) The case was conducted in Court by the Government Railway Police.

(d) The tickets were in the custody of the police.

COLLECTIVE ASSESSMENT OF WATER RATES ON POSTAL AND TELEGRAPH OFFICIALS OCCUPYING GOVERNMENT QUARTERS IN SIMLA

No 66—(b) Particulars of the excess water charges in respect of the quarters attached to the Central Telegraph Office, Simla, show that in no month did the total excess water charge exceed the assessed water rate for the whole year. The excess water charges varied from Rs 30 to Rs 210 per month during the period 4th April, 1940 to 4th October, 1940, while the assessed water rate for the whole year was Rs 346 14-0. But as, in the case of some of the quarters water charges were distributed with regard to the size of the family of the occupant, the result was that some telegraph officials did pay, in some months, by way of excess water charge more than their share of the assessed water rate for the whole year. Orders are being issued that the excess water charges should, in future, be allocated on a floor area basis.

Information promised in reply to unstarred questions Nos 72, parts (a) to (e) of 74, 78 and 85 asked by Bhai Parma Nand on the 16th November, 1940

SANCTIONED STRENGTH OF THE TRANSPORTATION INSPECTORS IN THE MORAD-ABAD DIVISION, EAST INDIAN RAILWAY

No 72—(a) and (b) The sanctioned and actual strength of Transportation and Commercial Inspectors on the Moradabad Division of the East Indian Railway on 31st October, 1940, was as follows

- (i) Transportation Inspectors (Movement) 4.
- (ii) Transportation Inspectors (Commercial) 2.
- (iii) Transportation Inspectors (Commercial and Movement combined) 1
- (iv) Claims Inspectors 2

(c) The four Transportation Inspectors (Movement) are in charge of all Transportation Movement work on their sections, the Division being divided into four sections for this purpose. Each of these Inspectors attends also to the Commercial work at the majority of roadside stations on his section.

The Division is divided into two Commercial sections, each in charge of a Transportation Inspector (Commercial) and these Inspectors are responsible for the commercial work at selected busy stations on their sections.

One Transportation Inspector (Commercial and Movement combined) is posted at divisional headquarters for the purpose of conducting specialised enquiries into either commercial or transportation matters as occasion arises.

The two Claims Inspectors are each in charge of a section, and are responsible primarily for investigating, assessing, and settling claims cases, but also have a few roadside stations allocated to them for the purpose of commercial inspection.

(d) There has been no change in the strength of these Inspectors on the Moradabad division since 1938.

INTRODUCTION OF SENIOR REFRESHER COURSE FOR ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY

No 74—(a) 3rd February, 1939, for the Railway as a whole

(b) Senior Assistant Station Masters' Refresher Courses were held at the Railway School of Transportation at Chandauli on the following dates

- From 3rd February, to 23rd February, 1939
- From 12th April, 1939 to 2nd May, 1939
- From 9th May, 1939 to 29th May, 1939
- From 6th June, 1939 to 26th June, 1939
- From 9th November, 1939 to 29th November, 1939
- From 5th February, 1940 to 24th February, 1940
- From 28th February, 1940 to 19th March, 1940
- From 18th April, 1940 to 8th May, 1940
- From 12th June, 1940 to 2nd July, 1940
- From 26th November, 1940 to 16th December, 1940

(c) The following syllabuses have been laid down for the Senior Assistant Station Masters' Refresher Course

I Transportation

General and Subsidiary Rule Book—chapters I to VI complete with select portions of chapter VII and complete chapters IX, X and XI (With corresponding orders from the standing order book) Block Working Manual—complete

Accident Manual—rules 1 to 22 and rules 30, 31, 38 to 63 Uses and method of preparation of different forms

Interlocking and cabin working

Practical train passing in the model room with the operation of single and double line block instruments, also full demonstration and practice in shunting trains at different classes of stations Elements of vacuum brake system with action of release valve and passenger alarm apparatus

II Commercial (Coaching)

- (i) Coaching Tariff—I R C A
- (ii) Conference Regulations—selected portions only
- (iii) Uses and methods of consulting different reference books, etc
- (iv) I R C A Red Pamphlet
- (v) E I Railway time table and guide

III Telegraphy

Telegraph traffic rules and regulations

(d) The appended statement gives the qualifications of the three Instructors who teach the Senior Assistant Masters' class at the Railway School of Transportation, Chandausi

(e) All Senior Assistant Station Masters, Controllers, Assistant Yard Masters, Platform Assistants and Guards

EAST INDIAN RAILWAY

Particulars regarding qualifications, etc., of Instructors who lecture to the Senior Station Masters, class at the Railway School of Transportation, Chandausi

Railway qualifications.

Academic qualifications		Practical experience	
No 1 Passed Senior Cambridge	(1) Guard	Worked in following capacities	
	(2) Assistant Station Master	(1) Assistant Yard Master	
	(3) Control	(2) Guard	
	(4) Lower Goods Audit	(3) Assistant Station Master	
	(5) Senior Goods Audit	(4) Station Master	
No 2 B A	(6) Chandausi Refresher Course twice with Honours in Transportation	(5) Transportation Inspector	
	(1) Coaching with credit	(1) Travelling Ticket Examiner	
	(2) Lower Goods Audit	(2) Crew in-charge	
		(3) Assistant Line Inspector	
		(4) Claims Inspector	
No 3 Studied upto Matric	(1) Assistant Station Master	(1) Assistant Station Master	
	(2) Coaching	(2) Assistant Head Signaller	
	(3) Goods	(3) Head Signaller	
	(4) Telegraphy		
	(5) Control		
	(6) Goods Accounts (Lower standard)		
	(7) Signallers Refresher Course at Chandausi		
	(8) Duplex Course at Chandausi		

CADRES OF GUARDS ON CERTAIN STATE RAILWAYS

No 78—(a) and (b) The attached statement gives such information as is readily available

(c) On the East Indian, Great Indian Peninsula and North Western Railways promotions are made according to seniority coupled with fitness and on the Eastern Bengal Railway, by selection

(d) No maxima and minima have been prescribed

Category of guards	Scales of pay	Sanctioned strength on 31st October, 1940	Actual (permanent) on 31st October, 1940
Rs			
Eastern Bengal Railway			
A Class	45—5—100 (Old)	340	316
B Class	30—3—45—5—60 (Revised)		
	110—10—210 (Old)		
	65—5/2—85 (Revised)	86	77
C Class	100—10/2—120 (Revised)		
East Indian Railway			
Grade I	105/110—10—210 (E I)	509	503 (a)
Grade D	140—10—210		
Grade C	100—10—130		
Grade I	90—10—180 (Revised 1928)		
Grade I	100—10/2—120 (Revised 1934)	648	713 (b)
Grade II	45—5—100		
Grade B	60—5—80		
Grade A	35—5—65		
Grade II	30—5—70 (Revised 1928)	66	53 (a)
Grade II	30—3—45/5—60 (Revised 1934)		
Pilot Guards	130—10—210 (E I)		
	120—10—180 (Revised 1928)		
	100—10/2—120 (Revised 1934)	91	82 (a)
Gunner Guards	85—10—125 (E I)		
	85—10—115 (Revised 1928)		
	30—3—45/5—60 (Revised 1934)		
Great Indian Peninsula Railway			
Passenger grade	170—15—10—15—210 (Old)		
A	160 (Revised)		
Grade A	113—15—10—15—155 (Old)		
	120 (Revised)		
Grade B	70—10—15—10—15—130 (Old)		357
	70—5—90 (Revised)		
Grade C	50—5—70 (Old)	186	185
	50—5—60 (Revised)		
Grade D	35—3—60 (Old)	43	41
	30—4—50 (Revised)		

Category of guards	Scales of pay	Sanctioned strength on 31st October, 1940	Actual (permanent) on 31st October, 1940
Rs North Western Railway			
Grade IV	125—10—185—200—210 (Old)	208	187
Grade III	75—5—105—10—115 (Old)		
Class I, grade II	65—5/2—85 (Revised)		
Class II, grade I	100—10/2—120 (Revised)	825	773
Grade II	40—3—52—4—60—8—68 (Old)		
Class I, grade I	35—5—60—5/2—60 (Revised)	47	47
Grade I, Second guard	30—1—35		

(a) The shortage is due to men having been engaged as guards, grade II, against vacancies in these grades

(b) The excess is due to men having been engaged against vacancies in higher grades and temporary sanctions

RELIEVING GUARDS IN CERTAIN DIVISIONS OF THE EAST INDIAN RAILWAY

No 85—(a) and (b) The number of sanctioned and actual posts of 'Relieving Guards' on the various Divisions of the East Indian Railway is as follows

Howrah Division	15
Asansol Division	11
Dinapore Division	12
Allahabad Division	15
Lucknow Division	Nil
Moradabad Division	Nil

(c) Station Masters, Assistant Station Masters, Controllers, Inspectors, etc

(d) On running duty in charge of trains

Information promised in reply to starred questions Nos 117 part (a) (iii) and part (a) (iv), 124 and 136 asked by Sardar Sant Singh on the 18th November, 1940

OFFICERS AND MINISTERIAL STAFF OF THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS AND ITS ATTACHED AND SUBORDINATE OFFICES WHO MOVED UP TO SIMLA LAST SUMMER AND EXPENDITURE INCURRED IN THE MOVE

No 117 (a) (iii) —

Staff called to Simla for temporary duty	Period of stay in Simla	Reasons for going to Simla.
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MAY, 1940

Office of the Director General, Indian Medical Service

One Assistant	5 days	Indian Medical Department Selection Board
One Assistant	4 days	Required for the examination of an urgent and important case

Staff called to Simla for temporary duty	Period of stay in Simla	Reasons for going to Simla
One Assistant	8 days	Indian Medical Service Selection Board at Simla
One Assistant . . .	13 days . . .	Writing of port quarantine portion of the Public Health Commissioner's report and disposal of other urgent files

JUNE, 1940.

Office of the Director General, Indian Medical Service

One Superintendent . . .	13 days	In connection with urgent cases of the All India Institute of Hygiene and Public Health, Calcutta
One Superintendent . . .	9 days . . .	In connection with Selection Board for selection of Indian Medical Service officers for promotion
One Assistant . . .	4 days . . .	Work in connection with selection of candidates (Military Medical Students) for interview by Selection Board
One Assistant . . .	10 days . . .	Selection Board for the recruitment of candidates as Military Medical Students for Assistant Surgeon Branch of the Indian Medical Department

Office of the Imperial Council of Agricultural Research

One Superintendent	21 days	} In connection with the meetings of the Advisory Board of the Imperial Council of Agricultural Research and its Sub-Committees
Two Assistants . . .	18 days each	
One Assistant	19 days	
One Assistant	20 days . . .	
One Assistant	21 days . . .	
One Clerk	16 days . . .	
One Clerk	17 days	
Two Clerks	21 days each	

Office of the Surveyor General.

One Clerk	3 months	In connection with mobilization and other matters arising from the war
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Staff called to Simla for temporary duty.	Period of stay in Simla	Reasons for going to Simla
JULY, 1940		
<i>Office of the Director General, Indian Medical Service</i>		
One Assistant . . .	11 days	To complete the Statistics required regarding manufacture of Drugs in India
One Assistant . . .	21 days	To take the place of an Assistant absent on tour
<i>Office of the Surveyor General.</i>		
One Assistant . . .	2 months and 26 days	In connection with mobilization and other matters arising from the war
AUGUST, 1940		
<i>Office of the Director General, Indian Medical Service.</i>		
One Superintendent	17 days	Preparation of papers for the meeting of the Recruitment and Appointment Board for the All-India Institute of Hygiene and Public Health, Calcutta
One Assistant	30 days	For work in connection with the recruitment of nurses, dentists, etc
One Clerk	5 days	Disbursement of pay and allowances to the Camp Office Establishment
One Clerk	16 days	For work in connection with recruitment of Dentists and Nurses
<i>Office of the Imperial Council of Agricultural Research.</i>		
One Superintendent	10 days	} In connection with the meetings of the Governing Body of the Imperial Council of Agricultural Research and its two sub-committees
Two Assistants	9 days	
Two clerks	9 days	

Staff called to Simla for temporary duty	Period of stay in Simla.	Reasons for going to Simla
SEPTEMBER, 1940.		
<i>Office of the Director General, Indian Medical Service</i>		
One Assistant . . .	6 days . . .	Selection Board on the 19th September, 1940
One Assistant . . .	28 days . . .	For work in connection with the recruitment of Dentists, Nurses, etc
<i>Office of the Surveyor General</i>		
	1 month and 11 days each.	In connection with mobilization and other matters arising from the war.
No 117 (a) (iv)		
Officers and staff attending duties at Simla and New Delhi	Period of duty during the course of the Season	Number of times each went to Simla.
<i>Officers</i>		
Deputy Director General, Indian Medical Service	12 days	Once (before his move to Simla in June, 1940)
Assistant Director General, Indian Medical Service (Stores)	3, 5 and 5 days	Thrice (before his move to Simla in June, 1940)
Officer on Special Duty in the office of the Director General, Indian Medical Service.	7 days	Once
Chief Advisory Chemist . . .	5 days . . .	Once (before his being permitted to recess in Simla in June, 1940)
Assistant Director General, Indian Medical Service (Additional)	3 and 3 days . . .	Twice
Officer Supervisor, office of the Director General, Indian Medical Service	6, 5, 6 and 7 days	Four times
Assistant Public Health Commissioner with the Government of India	19, 7 and 28 days	Thrice

Officers and staff attending duties at Simla and New Delhi	Period of duty dur- ing the course of the Season	Number of times each went to Simla
Assistant Agricultural Expert, Council of Agricultural Research	Imperial 24 and 8 days	Twice
Assistant Animal Husbandry Expert, Imperial Council of Agricultural Research	21 days	Once
<i>Staff</i>		
One Superintendent (Office of the Director General, Indian Medical Service)	8 days	Once
One Superintendent Ditto	12 and 16 days	Twice,
One Superintendent (Office of the Imperial Council of Agricultural Research)	21 and 10 days	Twice
One Assistant (Office of the Director General, Indian Medical Service)	4 days	Once
One Assistant Ditto	3, 3 and 9 days	Thrice
One Assistant Ditto	7 days	Once
One Assistant Ditto	12 and 20 days	Twice
One Assistant Ditto	10, 28 and 27 days	Thrice
One Assistant Ditto	5 days	Once
One Assistant (Office of the Imperial Coun- cil of Agricultural Research)	18 and 9 days	Twice
One Assistant Ditto	18 days	Once
One Assistant Ditto	19 days	Once
One Assistant Ditto	20 days	Once
One Assistant Ditto	21 days	Once
One Assistant Ditto	9 days	Once
One Clerk (Office of Director General, Indian Medical Service)	2 days	Once
One Clerk Ditto	4 days	Once
One Clerk Ditto	17 days	Once
One Clerk Ditto	24 days	Once
One Clerk (Office of the Imperial Council of Agricultural Research)	17 days	Once
One Clerk Ditto	16 days	Once
One Clerk Ditto	21 and 9 days	Twice
One Clerk Ditto	21 days	Once.
One Clerk Ditto	9 days	Once
One Stenographer (Office of the Director General, Indian Medical Service)	12 days	Once
One Stenographer (Office of the Imperial Council of Agricultural Research)	24 days	Once.
One Stenographer Ditto	20 days	Once.

CONFERENCES, COMMITTEES OR SUB-COMMITTEES HELD AT SIMLA LAST SUMMER UNDER THE CONTROL OF THE COMMERCE DEPARTMENT

No. 124.—Statement showing particulars of conferences, committees, sub-committees held at Simla during the last Summer Season

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	Conference of The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar, Commerce Member	H C Prior, Esq	No 20 Cost Rs 438-14	Nd	Nd as Commerce Member and Secy would have had to come to Delhi	The conference was held in Simla because the matter discussed were urgent and two out of four of the Commerce Department representatives concerned were already in Simla	It is not always economical to hold these conferences etc in New Delhi
2	Shipping Conference.	Do	No 13 Cost nil.	Nd	Nd	The Conference was held in Simla because the matters discussed were urgent	Moreover some times in the interest of expeditious disposal of the matter and administrative convenience it is expedient to hold the conferences, etc elsewhere.
3.	Sugar Conference	Do	No 21 Cost Rs 500 approxmately	Nd	Nd	Owing to the crisis in the sugar industry resulting in large surplus stocks of sugar produced at a high cost and which was unsaleable in the market, the industry and the Provincial Governments mainly concerned in the production of cane and sugar requested the Government of India to convene the conference. It was held in Simla as the Government of India officials for whom it was necessary to participate therein were in Simla.	

CONFERENCES, COMMITTEES OR SUB-COMMITTEES HELD AT SIMLA LAST SUMMER UNDER THE CONTROL OF THE COMMERCE DEPARTMENT

No. 124.—Statement showing particulars of conferences, committees, sub-committees held at Simla during the last Summer Season

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
4 Export Advisory Council	The Honourable Dykes Bahadur	Sir Alan Lloyd N R Pillay, Esq	No 19 Cost Rs 7,998 12	Nil	Approximately Rs 1,300	The meeting of the Council was held at Simla as all the Government officers for whom it was necessary to participate in it were in Simla at the time	
5 War (Goods) Insurance Conference	Do	H. C. Prior, Esq C. E. Jones, Esq W. R. Tennant, Esq P. C. Bhattacharya, Esq J. H. Thomas, Esq P. V. Krishna-murthy, Esq K. V. K. Sundaram, Esq	No 4 Cost Rs 1,950	Nil	There would have been no saving if the Conference had been held in Delhi	The Conference was held at Simla as all the Government officers for whom it was necessary to participate in it were in Simla at the time	
6 Second meeting of the Board of Scientific & Industrial Research,	Do.	Sir Alan Lloyd Lt Col E. Wood Sir David Meek Dr T. E. Gregory Dr Cyril S. Fox T. S. Pilleay, Esq	No 9 Cost Rs 3,633 6	Nil	There would have been no savings but an additional expenditure of about Rs 100,	For administrative convenience	

FAILURE TO NAME OR LIGHT STREETS IN THE NAIWALA AREA OF KAROL BAGH, DELHI

No 136—(a) The streets have not so far been named, but they have been given numbers. The main streets have been provided with electric lights, the bye lanes are lit with kerosene oil lamps

- (b) No complaints appear to have been received by the local authority
- (c) The Delhi Municipal Committee already has the matter under consideration

Information promised in reply to starred question No 149 asked by Haj Chaudhury Muhammad Ismail Khan on the 18th November, 1940

MUSLIM REPRESENTATION IN OTHER CLASSES OF SERVICE NOT TO BE AFFECTED BY HIGHER PERCENTAGE OF MUSLIMS IN THE POSTS OF DRESSERS

- (a) No The posts have been held by members of other communities from time to time
- (b) Dressers and Veterinary Inspectors are included under the same heading for purposes of communal representation, but the high percentage of Muslims in posts of dressers has not affected Muslim representation in the rank of Veterinary Inspector. At present four out of 15 Veterinary Inspectors are Muslims

Information promised in reply to unstarred question No 87 asked by Mr Muhammad Azhar Ali on the 18th November 1940

RULES OR BYE-LAWS OF THE DELHI JOINT WATER AND SEWAGE BOARD

- (a) 28th July, 1937 There are no bye-laws specifically under sub-section (j) of section 28
- (b) 14th December, 1937
- (c) A copy is laid on the table
- (d) They were not published, the Act does not require publication
- (e) All matters required by rule to be referred to the Board appear to have been so referred
- (f) Section 28 of the Act is permissive, there is no question of validating any acts of the Board

DELHI JOINT WATER BOARD

RULES FOR REGULATION OF BUSINESS

1 The Board shall meet at such place and time as shall, from time to time be determined on but not less than once a month

2 A notice of a meeting shall be sent or circulated to every member not less than 3 days before the time fixed for the meeting

3 To every notice of a meeting shall be attached a list of agenda. No business not on the agenda shall be considered at any meeting without the sanction of the President

4 The notice to attend a meeting shall specify the place, the day and the hour of the meeting

5 The quorum necessary for the transaction of business at a meeting shall be three

6 No member may be represented at a meeting by a proxy.

7 All business shall be conducted in English or Urdu

8 No motion if opposed shall be entered as passed until it has been put to the vote and any member dissenting shall be entitled to have his name recorded

9 No member except the proposer of a resolution shall speak more than once, except with permission of the President on that resolution. The proposer after hearing all others who wish to speak may again address the Board

10 All other points of procedure at any meeting shall be decided at the discretion of the President

11 Any member may demand a week's notice of any matter brought up for consideration at any meeting if such notice has not already been given

12 No important motion shall be discussed at any meeting unless notice of the same in writing shall have been delivered to the Secretary at least three clear days before such meeting

13 No resolution duly carried shall be altered or rescinded, unless seven days' notice, that its alteration or rescission is to be proposed, shall be given to every member of the Board

14 The President may adjourn any meeting from time to time but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place, unless due notice that such business will be brought forward has been given

DELHI JOINT WATER BOARD

PROVIDENT FUND RULES

1 In the following rules —

- (1) "Salary" means monthly salary including acting allowances, but not including personal or overtime allowances or allowances granted to meet specific expenditure such as travelling, horse, conveyance, or house rent allowances or bonus or commission
- (2) "Servant" means every whole time servant of the Board on the permanent establishment and every temporary servant to whom the Board may by Resolution apply their rules
- (3) "Depositor" means a servant on whose behalf a deposit is made under these rules
- (4) "Interest" means the interest which is credited by the Board to a subscriber's Provident Fund account at rates to be sanctioned from time to time by the Local Government

2 Every servant appointed or promoted by the Board on or after the date from which these rules come into effect in the Board, to an Office of which the salary is in excess of Rs 20 per mensem, shall be required to subscribe at the rate of 6½ per cent or one anna in the rupee on his salary to a Provident Fund, of which an account will be opened at the Post Office Savings Bank. A servant, appointed or promoted previous to the coming into effect of these rules to an Office of which the salary is in excess of Rs 20, may be permitted by the Board to subscribe to the fund. The deduction shall be made by the Board upon every salary bill presented, and shall be credited at once to the fund

In making this deduction fractions of a rupee of salary shall be omitted.

3 The Board shall make a contribution to the deposit account of each depositor, equal to the amount of the deduction made from his salary under the preceding rule; such contribution shall be credited to the fund, month by month, in favour of such servant together with the deduction from his salary

The contribution will be charged in the Board's account to -
 Sub head ——— Provident Fund The Board shall also transfer to the Provident Fund account of any servant any amount which a servant had to his credit in the Provident Fund of another local fund on receipt of the amount from the local fund

NOTE—A depositor resigning the service of the Board before 10 years service except on account of illness or other necessary cause, shall only be entitled to one half of the contribution made on his behalf by the Board with the interest thereon. A depositor retiring as above before 5 years' service shall be entitled to none of the contributions made on his behalf by the Board

In the case of depositors who have served under more than one local body, the period of service for the purpose of this rule shall be counted as the combined continuous service under these local bodies

A depositor whose services have come under reduction may, if the Board thinks fit, be paid the full Board's contribution to his Provident Fund

4 The sums credited monthly under rules 2 and 3 to the Provident Fund Ledger maintained by the Board shall be paid duly into the Post Office Savings Bank. Such payment should, whenever possible, be made into the Bank between the 1st and 4th of each month, in order that interest may accrue

5 Every depositor shall on admission to the Provident Fund or when these rules come into force make a declaration in the form shown and shall deposit such declaration with the Secretary. But nothing herein contained shall prevent him from at any time revoking such declaration and making a new declaration

6 (a) No final withdrawal from the fund will be allowed until the subscriber quits the service or dies. But when the pecuniary circumstances of subscriber are such that the indulgence is absolutely necessary a sum may be advanced to him temporarily not exceeding his subscription and the interest thereon, nor, ordinarily, exceeding 3 months' pay at the President's discretion

(b) Such advances shall not ordinarily be given except—

(I) to pay expenses incurred in connection with the illness of a subscriber or a member of his family for whose support he is directly responsible,

(II) to pay expenses in connection with marriage, funerals, and ceremonies which by the religion of the subscriber it is incumbent on him to perform and in connection with which it is obligatory that expenditure should be incurred,

(III) to pay for urgent repairs to the subscriber's dwelling house provided that he is the sole occupier thereof and none of it is let out on rent

(c) When one or more advances have already been granted to a subscriber a subsequent advance shall not be granted except for strong reasons to be recorded in writing by the President until at least 12 months have elapsed since the complete repayment of the last advance taken

(d) Advances will be recovered at the discretion of the President in not less than 12 or more than 24 instalments. Recoveries will be made monthly by compulsory deductions from the subscriber's pay, beginning from the 1st payment of a full month's pay after the advance has been granted, these deductions shall be in addition to the usual subscriptions. A subscriber may at his own option make repayment in less than 12 instalments or may repay 2 or more instalments at the same time

When 2 or more advances are made, each advance shall be treated separately and a monthly deduction of not less than one twenty fourth of each advance shall be made until that advance has been repaid

7 If any depositor shall die leaving any share not exceeding two thousand rupees standing to his credit in the Provident Fund, the Board may at its discretion at any time after a period of six weeks has elapsed from the date of his death —

(a) pay the same or the balance thereof, after making any payment thereout herein before provided for, to the person nominated in the form of declaration provided for in clause 6 in writing by such depositor to receive the same, or

(b) in any case not provided for under clause (a), pay and divide such amount or the balance thereof as aforesaid, amongst the widow or widows and children of the deceased depositor, to the exclusion of adult sons and married daughters whose husbands are alive,

(c) in any other case the amount standing to the credit of a deceased depositor shall, subject to any deductions hereinbefore provided for, be paid to the executor or administrator only, on production to the Secretary of the probate of the will or letters of administration to the Estate or effects of the deceased subscriber or certificate under Act VIII of 1889

NOTE—On the death of a depositor, the full amount standing to his credit shall be paid without any of the deductions mentioned in rule 3 (note) being made

8 The deposits and contributions subject to the conditions of rule 3 (note) with interest thereon, at the credit of any servant, may be withdrawn by the depositor on his ceasing to be a servant of the Board either by resignation or by transfer to service under some other local fund or to Government service, when the amount shall be paid to the servant himself, except in the case of transfer to service under a local fund for which a provident fund has been constituted, when the amount shall be transferred to the credit of the servant with that Provident Fund

On withdrawal of any money as above the amount, if any, deducted in accordance with rule 3 (note) shall be withdrawn from the Savings Bank and credited to the Water Board Funds as a miscellaneous receipt

9 If a servant is dismissed, the Board may with the sanction of the Chief Commissioner, withhold all or any part of the contributions allotted to him with the interest accrued thereon, and pay to the servant only the balance at his credit without such contribution and the interest thereon. In the case of there being any outstanding against a servant who may have resigned or been dismissed, the Board may deduct the amount of such outstandings from his deposits, and pay to him the balance after such deduction

10 Any contribution and interest thereon withheld from a dismissed servant shall belong to the Board and shall be withdrawn from the Savings Bank and credited to the Water Board's Funds as a miscellaneous receipt

11 A separate account in form A, appended, shall be kept and written up in the Office of the Board, on account of every depositor, and a copy of this account, which shall show every payment credited, with the interest thereon, shall be furnished to every depositor, as soon as possible, after the close of the financial year to which the account relates

12 Amounts credited or debited to the Provident Fund shall on the same day be posted into the Provident Fund Ledger, in form B, appended, in full detail

13 No voluntary deposits from servants will be credited to the Provident Fund

14 Servants shall subscribe to the Provident Fund while absent on leave including furlough, leave on medical certificate and privilege leave

15 On a depositor leaving the service his account shall be closed and unless the amount at his credit be withdrawn a certain period, viz, for balance of Rs. 10 or under, one year, for balance over Rs. 10, three years, the amount shall be written off as a dead account and shall be repaid only under the orders of the Board

16 When accounts become "dead" they must be removed from the Provident Fund Ledger and be credited to the Water Board Funds as a miscellaneous receipt, the money being drawn out of the Savings Bank. On an amount being thus written off, it shall be entered in a "dead account register", in which subsequent repayment shall be noted in order to avoid a double payment

17 Servants appointed or promoted previous to the coming into effect of these rules to an Office of which the salary is in excess of Rs. 20 per month, may be permitted to contribute to the fund, it being understood that this will not affect their claim to pension or gratuity for the period for which they have not subscribed

DELHI JOINT WATER BOARD

FORM OF DECLARATION

(For married/unmarried depositor)

I hereby declare that in the event of my death the following persons shall be entitled to receive payment of the amount to my deposit in the Water Board Provident Fund in the proportions noted against their names and I make this my will so far as regards such deposits

I also request that the amount payable as above to the minors be paid to the person named below —

Name and address of the nominee	Relationship with the subscriber	Whether major or minor	Share of the deposits payable to the nominee	Name and address of the person whom share is to be paid on behalf of	Sex and parentage of the person referred to in previous column & of the minor's guardian
1	2	3	4	5	6

6

Two witnesses to signature

Signature

NOTES

1. When the nominee is the subscriber's wife her personal name need not be given in column 1. Mrs is sufficient unless the subscriber has more than one wife in which case the name or names of the wives to benefit must be given. Here the nominee is a minor only the name (and not the address) should be stated in column 1.
2. When the nominee is a major columns 5 and 6 need not be filled in.
3. All the entries in this form must be in English or transliterated into English.

DELHI JOINT WATER BOARD

RULES FOR REGULATION OF BUSINESS

- 1 The Board shall meet at such place and time as shall, from time to time be determined on but not less than once a month
- 2 A notice of a meeting shall be sent or circulated to every member not less than 3 days before the time fixed for the meeting
- 3 To every notice of a meeting shall be attached a list of agenda. No business not on the agenda shall be considered at any meeting without the sanction of the President
- 4 The notice to attend a meeting shall specify the place, the day and the hour of the meeting
- 5 The quorum necessary for the transaction of business at a meeting shall be three
- 6 No member may be represented at a meeting by a proxy
- 7 All business shall be conducted in English or Urdu
- 8 No motion if opposed shall be entered as passed until it has been put to the vote and any member dissenting shall be entitled to have his name recorded
- 9 No member except the proposer of a resolution shall speak more than once, except with permission of the President on that resolution. The proposer after hearing all others who wish to speak may again address the Board
- 10 All other points of procedure at any meeting shall be decided at the discretion of the President
- 11 Any member may demand a week's notice of any matter brought up for consideration at any meeting if such notice has not already been given
- 12 No important motion shall be discussed at any meeting unless notice of the same in writing shall have been delivered to the Secretary at least three clear days before such meeting
- 13 No resolution duly carried shall be altered or rescinded, unless seven days' notice, that its alteration or rescission is to be proposed, shall be given to every member of the Board
- 14 The President may adjourn any meeting from time to time but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place unless due notice that such business will be brought forward has been given

DELHI JOINT WATER BOARD

PROVIDENT FUND RULES

Resolution No 7, dated the 21st December 1926

1 In the following rules —

- (1) "Salary" means monthly salary including acting allowances, but not including personal or overtime allowances, or allowances granted to meet specific expenditure such as travelling, horse conveyance, or house rent allowances or bonus or commission
- (2) "Servant" means every whole time servant of the Board on the permanent establishment and every temporary servant to whom the Board may by Resolution apply these rules
- (3) "Depositor" means a servant on whose behalf a deposit is made under these rules
- (4) "Interest" means the interest which is credited by the Board to a subscriber's Provident Fund account at rates to be sanctioned from time to time by the Local Government

2 Every servant appointed or promoted by the Board on or after the date from which these rules come into effect in the Board, to an Office of which the salary is

in excess of Rs 20 per mensem, shall be required to subscribe at the rate of 6½ per cent or one anna in the rupee on his salary to a Provident Fund, of which an account will be opened at the Post Office Savings Bank. A servant, appointed or promoted previous to the coming into effect of these rules to an Office of which the salary is in excess of Rs 20, may be permitted by the Board to subscribe to the fund. The deduction shall be made by the Board upon every salary bill presented, and shall be credited at once to the fund.

In making this deduction fractions of a rupee of salary shall be omitted.

3 The Board shall make a contribution to the deposit account of each depositor, equal to the amount of the deduction made from his salary under the preceding rule, such contribution shall be credited to the fund, month by month, in favour of such servant together with the deduction from his salary.

The contribution will be charged in the Board's account to—Miscellaneous Sub-head—Provident Fund. The Board shall also transfer to the Provident Fund account of any servant any amount which a servant had to his credit in the Provident Fund of another local fund on receipt of the amount from the local fund.

NOTE—A depositor resigning the service of the Board before 10 years service except on account of illness or other necessary cause, shall only be entitled to one half of the contribution made on his behalf by the Board with the interest thereon. A depositor retiring as above before 5 years' service shall be entitled to none of the contributions made on his behalf by the Board.

In the case of depositors who have served under more than one local body, the period of service for the purpose of this rule shall be counted as the combined continuous service under these local bodies.

A depositor whose services have come under reduction may, if the Board thinks, fit, be paid the full Board's contribution to his Provident Fund.

4 The sums credited monthly under rules 2 and 3 to the Provident Fund Ledger maintained by the Board shall be paid duly into the Post Office Savings Bank. Such payment should, whenever possible, be made into the Bank between the 1st and 4th of each month, in order that interest may accrue.

5 Every depositor shall on admission to the Provident Fund or when these rules come into force make a declaration in the form shown and shall deposit such declaration with the Secretary. But nothing herein contained shall prevent him from at any time revoking such declaration and making a new declaration.

6 (a) No final withdrawal from the fund will be allowed if the subscriber quits the service or dies. But pecuniary circumstances of subscriber are such that the indulgence is absolutely necessary a sum may be advanced to him temporarily not exceeding his subscription and the interest thereon, nor, ordinarily, exceeding 3 months' pay at the President's discretion.

(b) Such advances shall not ordinarily be given except—

- (I) to pay expenses incurred in connection with the illness of a subscriber or a member of his family for whose support he is directly responsible,
- (II) to pay expenses in connection with marriage, funerals, and ceremonies which by the religion of the subscriber it is incumbent on him to perform and in connection with which it is obligatory that expenditure should be incurred,
- (III) to pay for urgent repairs to the subscriber's dwelling house provided that he is the sole occupier thereof and none of it is let out on rent.

(c) When one or more advances have already been granted to a subscriber a subsequent advance shall not be granted except for strong reasons to be recorded in writing by the President until at least 12 months have elapsed since the complete repayment of the last advance taken.

(d) Advances will be recovered at the discretion of the President in not less than 12 or more than 24 instalments. Recoveries will be made monthly by compulsory deductions from the subscriber's pay, beginning from the 1st payment of a full month's pay after the advance has been granted; these deductions shall be in addition to the usual subscriptions. A subscriber may at his own option make repayment in less than 12 instalments or may repay 2 or more instalments at the same time.

When 2 or more advances are made, each advance shall be treated separately and a monthly deduction of not less than one twenty fourth of each advance shall be made until that advance has been repaid.

7 If any depositor shall die leaving any share not exceeding two thousand rupees standing to his credit in the Provident Fund, the Board may at its discretion at any time after a period of six weeks has elapsed from the date of his death.—

(a) pay the same or the balance thereof, after making any payment thereout herein before provided for, to the person nominated in the form of declaration provided for in clause 5 in writing by such depositor to receive the same, or

(b) in any case not provided for under clause (a), pay and divide such amount or the balance thereof as aforesaid, amongst the widow or widows and children of the deceased depositor, to the exclusion of adult sons and married daughters whose husbands are alive,

(c) in any other case the amount standing to the credit of a deceased depositor shall, subject to any deductions hereinbefore provided for, be paid to the executor or administrator only, on production to the Secretary of the probate of the will or letters of administration to the Estate or effects of the deceased subscriber or certificate under Act VIII of 1889

NOTE.—On the death of a depositor, the full amount standing to his credit shall be paid without any of the deductions mentioned in rule 3 (note) being made

8 The deposits and contributions subject to the conditions of rule 3 (note), with interest thereon, at the credit of any servant, may be withdrawn by the depositor on his ceasing to be a servant of the Board either by resignation or by transfer to service under some other local fund or to Government service, when the amount shall be paid to the servant himself, except in the case of transfer to service under a local fund for which a provident fund has been constituted, when the amount shall be transferred to the credit of the servant with that Provident Fund

On withdrawal of any money as above the amount, if any, deducted in accordance with rule 3 (note) shall be withdrawn from the Savings Bank and credited to the Water Board Funds as a miscellaneous receipt

9 If a servant is dismissed, the Board may with the sanction of the Chief Commissioner, withhold all or any part of the contributions allotted to him with the interest accrued thereon, and pay to the servant only the balance at his credit without such contribution and the interest thereon. In the case of there being any outstandings against a servant who may have resigned or been dismissed, the Board may deduct the amount of such outstandings from his deposits, and pay to him the balance after such deduction

10 Any contribution and interest thereon withheld from a dismissed servant shall belong to the Board and shall be withdrawn from the Savings Bank and credited to the Water Board's Funds as a miscellaneous receipt

11 A separate account in form A appended, shall be kept and written up in the Office of the Board, on account of every depositor, and a copy of this account, which shall show every payment credited, with the interest thereon, shall be furnished to every depositor, as soon as possible after the close of the financial year to which the account relates

12 Amounts credited or debited to the Provident Fund shall on the same day be posted into the Provident Fund Ledger, in form B, appended, in full detail.

13 No voluntary deposits from servants will be credited to the Provident Fund

14 Servants shall subscribe to the Provident Fund while absent on leave including furlough, leave on medical certificate and privilege leave

15 On a depositor leaving the service his account shall be closed and unless the amount at his credit be withdrawn a certain period, viz., for balance of Rs 10 or under, one year, for balance over Rs 10, three years, the amount shall be written off as a dead account and shall be repaid only under the orders of the Board

16 When accounts become "dead" they must be removed from the Provident Fund Ledger and be credited to the Water Board Funds as a miscellaneous receipt, the money being drawn out of the Savings Bank. On an amount being thus written off, it shall be entered in a "dead account register", in which subsequent repayment shall be noted in order to avoid a double payment

17. Servants appointed or promoted previous to the coming into effect of these rules to an Office of which the salary is in excess of Rs 20 per month, may be permitted to contribute to the fund, it being understood that this will not affect their claim to pension or gratuity for the period for which they have not subscribed

DELHI JOINT WATER BOARD

FORM OF DECLARATION

(For married/unmarried depositor)

I hereby declare that in the event of my death the following persons shall be entitled to receive payment of the amount to my deposit in the Water Board Provident Fund in the proportions noted against their names and I make this my will so far as regards such deposits

I also request that the amount payable as above to the minors be paid to the person named below —

Name and address of the nominee	Relationship with subscriber	Whether major or minor	Share of the deposit payable to the nominee	Name and address of the person to whom share is referred to in previous column, if the minor's guardian	Sex and parentage of person to whom share is referred to in previous column, if the minor's guardian
1	2	3	4	5	6

[11TH FEB 1941]

Signature

Two witnesses to signature

NOTES

1. When the nominee is the subscriber's wife her personal name need not be given in column 1. Mrs. is sufficient unless the subscriber has more than one wife in which case the name or names of the wives to benefit must be given. When the nominee is a minor only the name (and not the address) should be stated in column 1.
2. When the nominee is a minor columns 5 and 6 need not be filled in.
3. All the entries in this form must be in English or transliterated into English.

DELI JOINT WATER BOARD PROVIDENT FUND

Deposit account for the year ending 31st March, 19

FORM B I

PROVIDENT FUND LEDGER. DELHI JOINT WATER BOARD

Credits

Date of	Number of account	Name of depositor	Appointment	Opening Balance	Repay- ment of Advance	Deduction from salary	Boards Contribu- tion	Interest	Total	Remarks
1	2	3	4	5	6	7	8	9	10	11
				Rs. A P	Rs A P.	Rs A P	Rs A P	Rs A P	Rs A P	

Information promised in reply to unstarred questions Nos 104 and 107 asked by Bhai Parma Nand on the 18th November, 1940

CONNECTING OF DRAINS WITH SEWERS IN KAROL BAGH, DELHI

No 104 —(a) Notices under section 136 of the Punjab Municipal Act as applied to Delhi were served on persons residing in Karol Bagh requiring them to connect the drainage of their buildings with the main sewer in accordance with the Municipal bye laws. The bye-laws require submission of plans. The Improvement Trust appointed a Public Works Department staff to assist residents in complying with the notices and those persons who had the work carried out under the supervision of the Public Works Department were not required to submit plans. That staff, however, was not available until about a fortnight after the issue of the first batch of notices and persons who took action on the notice during this period were, therefore, obliged to submit plans.

(b) Yes, as notices are issued in batches.

(c) Yes.

PROVIDING OF ELECTRIC LIGHTS IN KAROL BAGH, DELHI

No 107 —(a) Yes.

(b) Electric light in these areas has been planned but for financial reasons the scheme has not yet been carried out.

Information promised in reply to parts (a) and (c) of starred question No 177 asked by Khan Bahadur Mian Ghulam Kadir Muhammad Shahban on the 20th November, 1940

NON-SINDHI MUSLIMS IN CLERICAL POSTS IN THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY, KARACHI.

(a) No.

(c) Certain posts were filled by Muslim candidates secured from the Headquarters Office and the Multan division, as recruitment is not on provincial basis, and there was no difficulty in securing Muslim candidates, there was no occasion to consult any local association.

Information promised in reply to unstarred question No 116 asked by Bhai Parma Nand on the 20th November, 1940

ERECTION OF A WALL ON THE SOUTH OF MORADABAD RAILWAY STATION YARD, EAST INDIAN RAILWAY.

(a) The wall was completed on 31st March, 1940, at a cost of Rs 1,126.

(b) It closed no crossings provided for the convenience of any persons living outside railway land.

Information promised in reply to unstarred question No 123 asked by Mr Lalchand Navahai on the 20th November, 1940

HOLDING IN ABEYANCE ORDERS IN RESPECT OF CERTAIN BRIDGE STAFF MEMORIALISTS OF THE NORTH WESTERN RAILWAY

(a) Yes, the orders cited by the Honourable Member were issued in the name of the Chief Engineer.

(b) No.

(c) The orders were held in abeyance in June, 1940, in consequence of certain difficulties in their execution. The instructions holding the orders in abeyance were issued by an authority competent to do so. There are no specific delegations to individual officers in such matters but Government have no reason to believe that the system obtaining on the North Western Railway is defective.

(d) The matter is under consideration and fresh orders will issue in due course. The latter part does not arise.

Information promised in reply to starred questions Nos 201 and 203 asked by Bhai Parma Nand on the 21st November, 1940

METALLING OF ROADS, ETC., IN KAROL BAGH, DELHI, BY THE DELHI IMPROVEMENT TRUST

No 201—(a) In 1938

(b) The answer to the first part of the question is in the negative. The lanes and streets require only the usual maintenance, involving some re-metalling.

(c) Rs 1,95,400

(d) Yes

(e) The specifications for the larger streets provide 7" soling and 4½" metalling and for the lanes 4" soling and 3" metalling. The streets and lanes were completed according to these specifications.

CASES OF INFRINGEMENT OF BUILDING BYE-LAWS OF THE DELHI IMPROVEMENT TRUST

No 205—(a) and (c) Since the Trust came into existence 323 cases have been sent to court under the municipal law. Out of these 17 were withdrawn and 301 were decided in favour of the Trust.

(b) Rs 3,107-6-0

(d) 3,169, out of which 1,429 were sanctioned.

Information promised in reply to starred question No 213 asked by Maulvi Muhammad Abdul Ghani on the 21st November, 1940

CASES OF DEVIATIONS IN THE CONSTRUCTION OF BUILDINGS REPORTED BY THE BUILDING INSPECTOR, DELHI IMPROVEMENT TRUST

(a) and (b) As a check on deviations from the sanctioned plans the Building Inspector inspected many uncompleted buildings and in a number of cases observed and reported deviations during the period of construction. 87 cases were sent up for trial during the calendar year 1939. The time and labour involved in the collection of the other information asked for by the Honourable Member will not be commensurate with results.

Information promised in reply to starred questions Nos 230 and 231 asked by Mr M S Aney on the 22nd November, 1940

BURGLARIES AND DACOITIES IN NEW DELHI

No 230—(a) and (b) The number of offences against property in New Delhi has for some time past been on the increase and proposals have been made and are under consideration for increasing the local police forces. But it is an exaggeration to suggest that a feeling of great insecurity prevails. The difficulties of the police in dealing with burglaries and dacoities are greatly increased by the carelessness of many property owners in leaving their houses unguarded and unlocked or ineffectively locked, and also by the negligence of some residents in employing servants without any attempt to verify their antecedents, in spite of the declared willingness of the police to assist employers in this respect.

(c) Yes. In most cases these reports are based on material supplied to the press by the police in the hope that the public will gradually come to appreciate the need for proper precautions.

(d) The following are the figures of burglary and theft cases registered at the New Delhi Police Station from the 1st January last up to the 18th November:

Burglaries	(by day)	55
Do	(by night)	58
Thefts	(379 I P C)	256
Do	(380 I P C)	62
Do	(381 I P C)	36

(e) Arrests have been made and property recovered in about one third of the cases.

(f) Yes, on the 24th September last.

(g) No, but investigation is still proceeding.

BURGLARIES AND DACOITIES IN NEW DELHI

No 231 —(a) No. I would refer the Honourable Member to my reply to question No 230.

(b) A few cases of this kind have occurred.

(c) Arrangements are already in force for patrolling the areas mentioned. It is doubtful whether results of value would be secured by increasing the strength of the patrols.

(d) During the current year there has been no detected case of burglary by Pathans. The criminals arrested and convicted in a number of cases have been from other provinces.

(e) There are undoubtedly a certain number of Pathan moneylenders abroad in New Delhi, but there is no reason to connect them with these offences against property. The movements of bad characters belonging to other parts of Delhi are observed in the normal course of police working.

(f) Yes.

(g) Yes, whenever this action is appropriate.

(h) I would refer the Honourable Member to my reply to part (a) of Question No 230.

Information promised in reply to starred questions Nos 234, 235, 236 and 237 asked by Mr Muhammad Azhar Ali on the 22nd November, 1940.

BURGLARIES AND DACOITIES IN NEW DELHI

No 234 —(a) Yes. The rise of crime in Delhi Province corresponds to that in the neighbouring districts of the Punjab and the United Provinces. No clear reason for the increase can be assigned but agricultural scarcity has undoubtedly had some effect. In New Delhi, the carelessness of house owners in leaving their premises unguarded and the negligence of some residents in employing servants without any attempt to verify their antecedents has made the task of the police more difficult and undoubtedly accounts in part for the increase in the number of offences against property.

(b) A statement is annexed.

(c) Yes, property of the value of Rs 31,404 12-4 was recovered.

(d) Yes. A gang of 44 Bauriyas was arrested.

(e) Yes.

(f) The members of the gang were operating in Delhi under the guise of labourers at brick kilns and in quarries and as agricultural workers. The statements of all the members of the gang were fully verified.

(g) Three cases relating to the year 1937, one to the year 1938, and eight to the year 1939

(h) Property valued at Rs 2,207 was recovered

(i) No

Statement

Burglaries reported from 1st January, 1939 to 1st October, 1940	1284
Thefts reported from 1st January, 1939 to 1st October, 1940	2331
Property stolen in burglary cases	Rs 2,00,927
Property stolen in theft cases	Rs 2,31,640

ARREST OF A GANG OF THIEVES OF BAURIYA CRIMINAL TRIBE

No 235 —(a) I cannot say that each member of the gang was interrogated in respect of every single untraced case, but they were all subjected to a most thorough questioning

(b) Yes

(c) No such report was made, but one of the officers assisting the investigation suggested in a case diary that a larger staff was required. The staff was accordingly increased

(d) No. Members of the gang were interrogated with regard to the offences committed in three of the seven City Police stations and two of the five rural police stations as well as the New Delhi Police station

INFORMATION GIVEN TO THE KAROL BAGH POLICE STATION, DELHI, ABOUT THE PRESENCE OF A GANG OF CRIMINALS CALLED BAURIYAS

No 236 —Yes. This information was given in June

STEPS TO REDUCE THE NUMBER OF THEFTS AND OTHER CRIMES IN DELHI.

No 237 —Yes. All possible action is being taken and an increase in the investigating staff of the Delhi Police is now under the consideration of Government

Information promised in reply to starred question No 241 asked by Bhai Parma Nand on the 25th November, 1940

UNRECOMMENDED EMPLOYEES ALLOWED TO APPEAR AS RECRUITS FOR APPOINTMENT AS GUARDS ON THE NORTH WESTERN RAILWAY

(a) Staff already in service who possessed the requisite qualifications were permitted to compete along with outsiders for appointments to Class I, grade II of guard

(b) Yes

(c) No, because Grade II, Class I is an intermediate grade thrown open to a measure of direct recruitment only recently and it was not thought equitable to place employees with the requisite qualifications at a disadvantage compared with outsiders

(d) Students who fail are ordinarily discharged from the school, but not from their appointments. The Board of Direction during the course of their annual review of the work of the candidates considered that certain candidates could become proficient by a further short training and therefore they were given a fortnight's extension

Information promised in reply to starred question No 246 asked by Maulvi Muhammad Abd'ul Ghanu on the 25th November, 1940

PROVISION OF TUMBLER SWITCHES FOR CONTROLLING LIGHTS IN INTERMEDIATE CLASS CARRIAGES

(a) and (b) The proposal is being carried out on these railways and the work of providing switches in inter class compartments is approaching completion. When completed all inter class compartments on the North Western Railway and all inter class compartments in mail, express and class IV coaching rakes on the East Indian Railway will have been provided with switches.

(c) Similar switches are already provided in inter class carriages on two Company-managed Railways and are being provided in new and rebuilt stock by three other Railways.

(d) Government has issued orders requiring tumbler switches to be provided in all intermediate class compartments in new and rebuilt coaching stock.

Information promised in reply to parts (b) to (f) of starred question No 251 asked by Mr H M Abdullah on the 25th November, 1940

SELECTION FOR APPOINTMENT TO SELECTION POSTS IN THE DEPARTMENTS OF THE EAST INDIAN AND EASTERN BENGAL RAILWAYS

(b) to (e) A statement giving such information as is readily available is placed on the table.

(f) No. It was due to the paucity of Muslims in the grades from which selections were made.

Statement showing particulars of Selection Boards held on the East Indian and Eastern Bengal Railways during the year 1940

	Eastern Bengal Railway	East Indian Railway
No of Selection Board held	47	86
No of Selection Boards containing at least one Muslim officer	23	15
No of Muslim candidates examined	191	67
No of Muslim candidates declared suitable	147	18
No of Muslims actually promoted	91	3

Information promised in reply to part (a) of starred question No 257 and starred question No 258 asked by Shaikh Rafiuddin Ahmad Siddiquee on the 25th November, 1940.

DENIAL OF FACILITIES FOR BETTERING THEIR PROSPECTS TO MUSLIM GRADUATE EMPLOYEES ON THE EAST INDIAN RAILWAY

No 257 —(a) I have been unable to verify the allegations.

MUSLIM GRADUATES IN ESTABLISHMENT OFFICES AND SUPERVISORY POSTS ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS

No 258 —Statement showing the number of Muslim graduates employed in the establishment offices of the East Indian and Eastern Bengal Railways

Category	East Indian	Eastern Bengal
Personal Assistant to the Deputy General Manager	1	.
Sub Heads	.	1
Dealing clerks in the Staff branches	4	12

DEATHS OF PANDIT KRISHNA KANT MALAVIYA AND PANDIT PYARE LAL SHARMA

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) Sir, it is my melancholy duty, to remind the House that since we last met, we have suffered the loss of two Honourable Members by death, namely, Pandit Krishna Kant Malaviya and Pandit Pyare Lal Sharma. Pandit Krishna Kant Malaviya had been an elected member of this House since 1923. He was a very active and energetic member of this House, and in addition to his duties here he took a great deal of interest in matters of general public importance. He was a Hindi scholar and writer of considerable repute and he was also a journalist of standing and of very vigorous and independent views. Latterly he had taken a great deal of interest in the promotion of gliding in India—he was the general secretary, founder and organiser of the All-India Gliding Association. Pandit Pyare Lal Sharma had been elected to this House in 1939. The greater part of his activities had previously lain in the provincial field. He was a very active Congressman and was, I believe, the first Education Minister in the Congress Ministry in the United Provinces. Sir, I am sure the House feels the loss of both these Honourable Members very keenly and I would request you to convey the sincere condolences of the House to the members of the respective bereaved families.

(Syed Ghulam Bhik Nairang rose to speak)

Mr. President (The Honourable Sir Abdur Rahim) I think I ought to remind the House that the convention was arrived at in respect of a matter of this nature that in all cases of the death of a sitting member, only the Leader of the House, the Leader of the Opposition and in the case of a member belonging to any of the recognised parties of the Assembly, the leader of that party if he so wishes, will be allowed to make obituary references.

Syed Ghulam Bhik Nairang (East Punjab Muhammadan) Sir, on behalf of my Party, I wish to associate

Mr. President (The Honourable Sir Abdur Rahim) Did any of the deceased members belong to the Honourable Member's Party?

Sir Muhammad Yamin Khan (Agra Division Muhammadan Rural) The Muslim League Party is at present the Opposition Party.

Mr. President (The Honourable Sir Abdur Rahim) As Leader of the Opposition? Yes.

Syed Ghulam Bhik Nairang: I associate myself with the condolence motion. Pandit Krishna Kant Malaviya was personally known to me, and I had a very high idea of his qualities both as a politician and as a colleague, and particularly as a man of literary culture. He was a gentleman of great culture and very high literary attainments, and I particularly remember his participation in the great *Mushaira* at Simla which he enlivened both by the quality of his contributions to the *mushaira* and by the melodious tone in which he recited his compositions. He was very

[Syed Ghulam Bhik Naurang]

popular with all sections of this House, and it is really a great loss that he is no more with us

As regards Pandit Pyare Lal Sharma, after his election to this House there was very little chance for him to take any active part in the deliberations of this House and make any contributions to it, but his public life is well-known, and certainly the passing away of a figure like that of Pandit Pyare Lal Sharma is a great loss to the community. I, therefore, Sir, request you to convey the sense of loss of this House to the bereaved families of Pandit Krishna Kant Malaviya and Pandit Pyare Lal Sharma

Mr. M. S. Aney (Berar Non-Muhammadian) Sir, it is with a very heavy heart that I stand here to associate myself with what has been said with regard to the death of Pandit Krishna Kant Malaviya by the Honourable the Leader of the House and also by the Leader of the Opposition. Sir, Pandit Krishna Kant Malaviya was a Member of this House for a pretty long time. He joined the Swaraj Party, and when he first came to this House he came as a member of that party. After he completed his education, he took up the profession of journalism and very ably edited the Hindi paper *Abhyudaya* which was started by Pandit Madan Mohan Malaviya. It was not an easy job to be the editor of a paper like that, because the paper had attained a reputation as being the organ of Pandit Madan Mohan Malaviya, and that he had to follow and maintain the high traditions of the paper, and it was, therefore, a matter of great satisfaction to note that when this youngman took up that onerous duty he proved himself equal to it, and his work as a journalist was very widely appreciated. He was not merely a journalist, but as has been well pointed out by the Honourable the Leader of the House, he was also an author of great eminence. His literary works, particularly *Sohagrat* and others are widely appreciated by the critics of Hindi literature. As a poet also he occupied a place of eminence among the Hindi poets. He was no doubt a congressman from the very beginning, but in him there was something more than being a mere follower of a particular set of opinions or a particular institution. Whenever he found that his personal convictions militated against the programme of any party or organization, he had the courage to assert its views, and it was because of that that he joined the Swaraj Party started by the late Pandit Motilal Nehru, and also came out on the ticket of the Congress Nationalist Party to this House, notwithstanding the fact that he was on both occasions a member of the Congress organization. That means that he was a man of principle and conviction. We are too familiar here with the work that he has done and the contributions he has made to the deliberations of the various questions that came up for consideration before this House during the last so many years. Particularly he was interested in the question of military education of Indian youths, and he had recently taken up the formation of the All-India Ghiding Association to complete which, unfortunately, he did not live. Sir, in Pandit Krishna Kant Malaviya we lose a patriot, a scholar and a gentleman of high attainments. I am sure you will convey the deep sense of loss which this House feels to the members of his family who are left behind.

As regards Pandit Pyare Lal Sharma, I endorse everything that has been said of him. Unfortunately, owing to the attitude of the Congress Party to which he belonged, we were not able to see him actively doing

any work in this House after he became a Member of this House, but we knew his public life outside, and I am sure that the country has lost in him a sincere and ardent worker

Sir, here I may be permitted to make a reference to the death of a friend of mine, who was also a Member of this House, I mean Sir Campbell Rhodes. He was a Member of this House in 1926, and I had the privilege of being his colleague. I read with sorrow the news of his death last night. In him I found a European member with wide sympathies for the Indian people. I am sure that I express the views of those who had worked with him in those days, when I say that in him also we have lost a sympathetic European and a friend of India.

Mr. President (The Honourable Sir Abdur Rahim) I associate myself with the tributes that have been paid to the memory of the two deceased members, Pandit Krishna Kant Malaviya and Pandit Pyare Lal Sharma. Pandit Krishna Kant Malaviya took a very active interest in the proceedings of this House and he made very valuable contributions especially on important debates. As has been said by the Honourable the Leader of the House, he was a man of varied attainments, and occupied a considerable position in the literary world of this country. It will be my duty to convey the sympathy of this House to the bereaved families of the two Members.

MOTIONS FOR ADJOURNMENT

PROHIBITION OF THE FILLING OF CENSUS FORMS IN URDU AND INSISTING UPON FILLING THOSE FORMS IN HINDI IN SHEIKHPURA DISTRICT, BIHAR

Mr. President (The Honourable Sir Abdur Rahim) I have received several notices of motions for adjourning the business of the House.

The first one is in the name of Mr. H. A. Sathar H. Essak Sait. He wishes to move the adjournment of the House to discuss a definite matter of urgent public importance, namely, the order of the in-charge Magistrate of Sheikhpura, District Monghyr (Bihar), given on behalf of the Census Officer addressed to all Census Enumerators and Census Supervisors prohibiting the filling of census forms in Urdu and insisting upon filling those forms in Hindi alone. (This order is reported in *Manshoor*—the official organ of the All-India Muslim League—in its issue, dated the 29th December, 1940.)

Is there any objection to this motion being made?

The Honourable Sir Reginald Maxwell (Home Member) Yes, Sir, the incident referred to is not a matter of recent occurrence. It took place in September and November of last year, that is to say, before the last Session of the Assembly ended.

Mr. President (The Honourable Sir Abdur Rahim) When was it?

Mr. H. A. Sathar H. Essak Sait (West Coast and Ndgiris Muhammadan) The order itself is dated the 15th December.

The Honourable Sir Reginald Maxwell: My information is that the incident at Sheikhpura began in September and concluded in November. I might also explain that the Census Commissioner visited the province subsequently and cancelled all orders of that kind that had been issued, in fact the cause of the grievance does not now exist.

Mr. H. A. Sathar H. Essak Sait: If, that were so, I will have nothing to say, but this morning I have received a telegram from Patna from the President of the Muslim League, in which he says that this order is being enforced even now, and he says that Muslim enumerators are feeling difficulty in filling up forms in Hindi.

Mr. President (The Honourable Sir Abdur Rahim) Feeling difficulty, but there is no prohibition?

Mr. H. A. Sathar H. Essak Sait: Because the order is that the forms should be filled in Hindi. Not only that, Sir, I have got a copy of the Census Code of Bihar which my Honourable friend had been good enough to place in the Library of the House, and there also I find, it is stated that forms should be filled in Hindi. But if that order has been changed now, I have nothing to say.

The Honourable Sir Reginald Maxwell: It is only a matter of the language in which these forms should be filled. I have it in writing from the Census Commissioner that Enumerators are permitted to fill in any forms in Urdu now, if they wish to, although it causes a certain amount of inconvenience.

Mr. H. A. Sathar H. Essak Sait: If that is so, then it partially meets my difficulty.

Mr. President (The Honourable Sir Abdur Rahim) They are permitted to fill the forms in Urdu.

Mr. H. A. Sathar H. Essak Sait: Urdu forms are not available. If the Honourable Member says Urdu forms are made available to them, then I have nothing to say.

The Honourable Sir Reginald Maxwell: It has nothing to do with the forms. Every enumerator knows the forms by heart. It is only a matter of what script is to be used in filling them up.

Mr. H. A. Sathar H. Essak Sait: The complaint is that the enumerators there,—and there are a number of them who know only Urdu,—cannot read the Hindi forms and Urdu forms have not been supplied. The first difficulty was that there was prohibition against filling those forms in Urdu. Now, the complaint is that the forms are in Hindi alone.

Mr. President (The Honourable Sir Abdur Rahim) I do not know if in the circumstances the Honourable Member wishes to press this motion.

Mr. H. A. Sathar H. Essak Sait: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) As objection has been taken, those Honourable Members, who are for leave being granted, will rise in their places

As less than twentyfive Members are in favour of leave being granted, leave is refused

REFUSAL OF THE TELEGRAPH AUTHORITIES AT SARGODHA IN THE PUNJAB TO TRANSMIT CERTAIN TELEGRAMS

Mr. President (The Honourable Sir Abdur Rahim) The next motion is in the name of Sardar Sant Singh It is in these words

"I hereby give notice that I intend to ask for leave of the House to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the refusal of the Telegraph authorities at Sargodha in the Punjab to transmit telegrams of complaints against the highhanded action of the Deputy Commissioner on the occasion of the birthday of Guru Gobind Singh on 5th January, 1941, to H. E. the Governor of the Punjab, Premier of the Punjab, Inspector General of Police, Chief Secretary to the Punjab Government and others and thereby depriving the public of the services of the Department and causing loss to the Central revenue"

I wish to know, was it under any law that the telegrams were withheld? I understand that there is a statutory rule to that effect in the Telegraph Code

Sardar Sant Singh (West Punjab Sikh) Yes There is a circular, no doubt, of the Department

An Honourable Member: There is a rule

Sardar Sant Singh: There is a rule of the Department that telegrams of an alarming nature can be

Mr. President (The Honourable Sir Abdur Rahim) of an objectionable character—I think that is the wording

Sardar Sant Singh: I think the wording is, "of an alarming character"—can be prevented by the telegraph office Here, in the present instance, the text of the telegram does not show anything of an alarming nature

Mr. President (The Honourable Sir Abdur Rahim) Objectionable nature

Sardar Sant Singh: or of an objectionable nature The telegram says

"Unarmed religious procession anniversary of Sri Guru Govind Singh using customary route lathi charged by police Over 20 persons injured Condition of a few serious About 12 arrests made so far Lorry carrying Guru Granth Sahib taken by police Gurdwara prevented by authorities from raising pandal in front of Gurdwara for holding anniversary Diwan Sikhs feeling perturbed"

Mr. F. E. James (Madras European) Very alarming

Sardar Sant Singh: You can see for yourself that such telegrams of complaint addressed to H E the Governor, the Premier, the Inspector General of Police—all the big authorities who should have been approached in this connection—have been prevented. My second point is that it was not done by the Department itself. It was done by the order of the Deputy Commissioner because it was his action that was being challenged in this telegram and it was undue interference.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member cannot criticise the action of the Deputy Commissioner here because this is not the place for it. It is the Punjab Assembly.

Sardar Sant Singh: My submission is that the telegraph authorities, instead of doing their duty by themselves, have allowed themselves to be interfered with by a local authority and thus deprived the public at large of the use of telegraph lines, to which they are legitimately entitled. Rs 88 were received on the telegrams and then refunded to the persons who sent the telegrams.

Mr. President (The Honourable Sir Abdur Rahim) Is there any objection?

The Honourable Sir Andrew Clow (Member for Railways and Communications) I have very little to add to what you have said, Sir, but perhaps I might read the actual rule—that is, rule 15 of the Indian Telegraph Rules. The rule runs thus:

“Telegraph Offices shall refuse to accept or forward any telegram or any part of a telegram of a plainly objectionable or alarming character. In cases of doubt the matter shall be referred by the officer in charge of the Telegraph Office to a Secretary to Government or other officer nominated by the Provincial Government from time to time for this purpose, if the office is located at a seat of Government or to the Chief Civil or Military Officer if the office is located elsewhere.”

It was under this rule that action was taken. The telegraph authority, apparently entertaining some doubt whether the telegram was of an objectionable or alarming character, referred it to the District Magistrate and acted, as he was bound to do, in accordance with the advice tendered. I need not go over the rulings which have fallen from the Chair, but I would only refer to the one which you gave on the last day of the last Session, when the Chair said:

“There is a ruling of mine with reference to a certain order passed under section 144. This is what I said:

‘It is a well established parliamentary rule that an order passed in the ordinary administration of the law, whether by a judicial authority or by a Magistrate or by any other lawfully constituted authority, cannot be the subject of an adjournment motion.’”

I would only add that this adjournment motion is designed really to call in question the action of the District Magistrate for which I am not responsible.

Mr. M. S. Aney (Berar Non-Muhammadan) May I know whether the Honourable Member means to say that the District Magistrate is one of the authorities empowered by the Local Government to censor these telegrams?

The Honourable Sir Andrew Clow: The authority is actually referred to in this rule. The rule says " or other officer nominated by the Provincial Government from time to time for this purpose, if the office is located at a seat of Government—that is, Lahore—or to the Chief Civil or Military Officer if the office is located elsewhere " He was the chief civil officer of the district

Sardar Sant Singh: No

Mr. President (The Honourable Sir Abdur Rahim) The telegraph authorities in question acted according to the rules laid down for their guidance. As they apparently entertained a doubt as to whether the telegrams which are referred to in the notice were of an objectionable character or not, they referred the matter to the chief civil authority, that is, the District Magistrate, of the place. In the circumstances the motion is out of order as has been ruled by the Chair in similar cases on more than one occasion.

MISUSE BY THE GOVERNMENT OF INDIA OF THEIR POWERS UNDER THE DEFENCE OF INDIA ACT

Mr. President (The Honourable Sir Abdur Rahim) The next one is in the name of Qazi Muhammad Ahmad Kazmi. It runs as follows

"That the House do now adjourn to discuss a definite matter of urgent public importance, namely, the misuse by the Government of India of its powers under the Defence of India Act in persecuting people for a mere expression of an article of their faith in respect of the war"

Is this correct—"persecuting people", or is it a slip for "prosecuting people"?

Qazi Muhammad Ahmad Kazmi (Meerut Division Muhammadan Rural) I want "persecuting"

Mr. President (The Honourable Sir Abdur Rahim) I wish to point out to the Honourable Member that the terms of this notice seem to be very wide and also indefinite. I believe that under the Defence of India Act the Magistrates in each province are empowered to act under the rules under that Act. The notice of motion is in very general terms unless the Honourable Member can satisfy the House that the Government of India ordered the persecution of the people for expressing certain opinion. Is that the case of the Honourable Member?

Qazi Muhammad Ahmad Kazmi: Not order the persecution, but in actual practice they are persecuting

Mr. President (The Honourable Sir Abdur Rahim) That is the local authority itself?

Qazi Muhammad Ahmad Kazmi: Yes

Mr. President (The Honourable Sir Abdur Rahim) Then you cannot complain here. You have to go to the Assembly and the Government of the province concerned. The motion is out of order.

Qazi Muhammad Ahmad Kazmi: This happened actually in Delhi itself

Mr. President (The Honourable Sir Abdur Rahim) That is not the notice The notice is not confined to Delhi

Qazi Muhammad Ahmad Kazmi: It includes Delhi

Mr. President (The Honourable Sir Abdur Rahim) That won't do This is too wide It must be definite

Qazi Muhammad Ahmad Kazmi: Then, I will move only in respect of Delhi

Mr. President (The Honourable Sir Abdur Rahim) Then, he must have mentioned it in the notice itself

Mr. N. M. Joshi (Nominated Non-official) May I say a word on this point?

Mr. President (The Honourable Sir Abdur Rahim) No, the Honourable Member cannot

**FAILURE OF THE GOVERNMENT OF INDIA TO SUPPLY CENSUS FORMS IN URDU
IN BIHAR AND THE COMPUSSION TO FILL UP THESE FORMS IN ENGLISH OR
HINDI ONLY**

Mr. President (The Honourable Sir Abdur Rahim) The next one is in the name of Mr Essak Sait That is practically the same thing

Mr. H. A. Sathar H. Essak Sait: This is different in this way

Mr. President (The Honourable Sir Abdur Rahim) Is it the same?

Mr. H. A. Sathar H. Essak Sait: No, Sir

Mr. President (The Honourable Sir Abdur Rahim) He wishes to discuss a definite matter of urgent public importance, namely, the failure of the Government of India to supply Census Forms in Urdu in Bihar and the compulsion to fill up these forms in English or Hindi only Is there any objection to this motion?

The Honourable Sir Reginald Maxwell: My objection is exactly the same

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member need not give any reason at all, if he objects to leave being granted

As objection has been taken, will those Honourable Members who are in favour of leave being granted rise in their places?

As less than 25 Members have risen, leave is refused

STANDARD AGMARK GRADES IN LEATHER CONTRACTS.

Mr. President (The Honourable Sir Abdur Rahim) The next motion is in the name of Sir Ziauddin Ahmad. He wishes to move a motion for adjournment of the House to discuss a matter of urgent public importance of recent occurrence, namely, the incorrect advice given by the Government of India to specify the standard Agmark grades in their contracts of leather. I do not quite follow this.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions, Muhammadan Rural) Recently a pamphlet was published and in the title page it was put down that it was published under the direction or advice of the Commerce Department of the Government of India. It was explicitly put down there that persons in England should purchase only those hides on which the Agmark is put down. The Agmarks are put only in some slaughter houses under the direction of the Government of India and all those animals which are slaughtered at places other than those slaughter houses or which die a natural death will have no Agmark on their hides according to this pamphlet. So, buyers in Europe are put on the wrong track and they will refuse to buy a very large number of hides on which the Agmark has not been put and cannot be put, and, therefore, it is wrong to have a pamphlet of this kind issued under the patronage of and at the expense of the Government of India.

Mr. President (The Honourable Sir Abdur Rahim) When was this pamphlet circulated?

Dr. Sir Ziauddin Ahmad: It was published recently—in December, 1940.

Mr. President (The Honourable Sir Abdur Rahim) Since the last meeting of the Assembly?

Dr. Sir Ziauddin Ahmad: Yes.

Mr. President (The Honourable Sir Abdur Rahim) I should like to know the facts.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) The facts are these. Certain pamphlets were published. The cost of it was borne by the Government. It dealt with the various manufactures and raw products of this country in connection with the Eastern Group Conference. They were intended for circulation to the members of the Conference and to the countries from which they had come. These pamphlets were prepared by private individuals, who are in a position to know something of the trade but the frontispiece specifically stated that the Government of India was responsible neither for the facts contained in the pamphlets nor, much less, for any opinions expressed in these pamphlets. Therefore, there was no question of the Government of India giving any advice on this point.

Mr. President (The Honourable Sir Abdur Rahim) How came this to be inserted in the pamphlet? Was it under the Government of India's order?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The pamphlets were written by private individuals. They made the statements but in the frontispiece it was specifically put down that the Government of India was not responsible either for the facts contained in the pamphlet or, much less, for the opinions.

Mr. President (The Honourable Sir Abdur Rahim) I want to know whether this statement was made on behalf of the Government of India,

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: It was not made on behalf of the Government of India at all. The disclaimer was by the Government of India, certainly.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) When was this published?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: They were published about November.

Dr. Sir Ziauddin Ahmad: It was published under the patronage of the Government of India. If the Commerce Department has nothing to do with it, then it is desirable to issue a communiqué about it, otherwise the buyers would be put on the wrong track.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The printing was done at the instance of the Commerce Department of the Government of India but in the pamphlet itself a notice was put, saying that the Government of India was not responsible for any of the facts mentioned in the pamphlet or the opinions expressed therein. I am prepared to have a further communiqué issued on this particular subject as my attention has been drawn, at the last meeting of the Export Advisory Council, to what are alleged to be certain incorrect statements in this pamphlet.

Mr. President (The Honourable Sir Abdur Rahim) Will that satisfy the Honourable Member?

Dr. Sir Ziauddin Ahmad: If a communiqué is issued, then that will satisfy me.

Mr. President (The Honourable Sir Abdur Rahim) Then the Honourable Member does not move this motion?

Dr. Sir Ziauddin Ahmad: I do not want to move.

NON-GRANT OF DEARNESS ALLOWANCE TO CENTRAL GOVERNMENT SERVANTS.

Mr. President (The Honourable Sir Abdur Rahim) The next one is also in the name of Sir Ziauddin Ahmad who wishes to make a motion of urgent public importance of recent occurrence, namely, the failure of

the Government of India in granting the dearness allowance to all servants employed by the Central Government and restricting the allowance to the employees of certain Railways I want to know what the facts are

Dr. Sir Ziauddin Ahmad: I understand that the Government of India are giving a dearness allowance only to the employees of certain railways I submit that it is wrong to grant it only to railway employees and to deny it to other employees in other Government Departments It is wrong to choose one particular department

Mr. President (The Honourable Sir Abdur Rahim) When was this granted?

Dr Sir Ziauddin Ahmad: It would be granted this Session and with retrospective effect It would probably be in the Budget I should like to know

The Honourable Sir Muhammad Zafrullah Khan: Which Member of the Government did the Honourable Member give notice of this motion to?

Dr. Sir Ziauddin Ahmad: I gave it to the Commerce Member

The Honourable Sir Muhammad Zafrullah Khan: What has the Commerce Member got to do with it?

Dr. Sir Ziauddin Ahmad: It was initiated by the Labour Department of the Government of India They considered this particular problem

The Honourable Sir Muhammad Zafrullah Khan: They have not granted an allowance to anybody

Mr. President (The Honourable Sir Abdur Rahim) Who is the Member concerned?

The Honourable Sir Jeremy Raisman: The question of dearness allowance would normally be dealt with by me

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Labour Department appointed this committee of inquiry and the Labour Department are now giving a dearness allowance to railways? At least they are proposing to give this allowance

Mr. President (The Honourable Sir Abdur Rahim) The Finance Member is responsible for these allowances Perhaps this is a *bona fide* mistake on the part of the Honourable Member If he wishes to pursue this matter, he had better give notice to the Finance Member.

• **Dr. Sir Ziauddin Ahmad:** All right

The Honourable Sir Muhammad Zafrullah Khan: No dearness allowance has been granted to anybody.

Dr. Sir Ziauddin Ahmad: I want to raise this question in time, so that we may avoid the difficulties which may follow

Mr. President (The Honourable Sir Abdur Rahim) No dearness allowance has been given to anyone The motion is disallowed
12 NOON

REMOVAL OF MUSLIM OFFICERS FROM THE RAILWAY BOARD.

Mr. President (The Honourable Sir Abdur Rahim) The next one is in the name of Mr Muhammad Azhar Ali He wishes to discuss a matter of urgent public importance of recent occurrence, namely, the policy of the Government of India in gradually removing the Muslim Officers from the Railway Board

When was this policy laid down?

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions, Muhammadan Rural) Sir, it was about September, 1940, when the Railway Member said, in reply to a question, that the number of Muslim officers was five in 1937 and it was reduced to three in 1940 That was the statement

Mr. President (The Honourable Sir Abdur Rahim) Did he say that the Muslim officers would be removed from the Railway Board?

Mr. Muhammad Azhar Ali: No, Sir

Mr. President (The Honourable Sir Abdur Rahim) That is the notice of the motion? If the Honourable Member laid down the policy of the Government of India to gradually remove Muslim officers from the Railway Board, did he ever say that?

Mr. Muhammad Azhar Ali: In practice, Sir, it is like this

Mr. President (The Honourable Sir Abdur Rahim) That won't do The motion is disallowed

DISALLOWANCE OF THE USE OF URDU IN MONEY ORDERS AND REGISTERED LETTERS BY THE CALCUTTA POST OFFICE.

Mr. President (The Honourable Sir Abdur Rahim) The next one also is in the name of Mr Muhammad Azhar Ali He wishes to discuss a matter of urgent public importance of recent occurrence, namely, the disallowance of the use of Urdu in Money Orders and Registered letters by the Calcutta Post Office

When was this done?

Mr. Muhammad Azhar Ali: It came to my knowledge in December

Mr. President (The Honourable Sir Abdur Rahim) Is it of recent occurrence? Something may have happened two years ago and the Honourable Member may have heard of it only recently When was this order made?

Mr. Muhammad Azhar Ali: It came to our knowledge, as I said, in December?

Mr. President (The Honourable Sir Abdur Rahim) Supposing it is five years old, and the Honourable Member came to know of it last December

Mr. Muhammad Azhar Ali: It won't be five years back, but this came to our knowledge in Calcutta in December

Mr. President (The Honourable Sir Abdur Rahim) Was this order ever made, and when was it made?

The Honourable Sir Andrew Olow: The order which, I understand, the Honourable Member is referring to is to be found in the Post and Telegraph Guide in which it is stated that "money orders have got to be filled in either in English or in the local Indian language of the district" There has been no change, so far as I have been aware, in any recent orders

Mr. President (The Honourable Sir Abdur Rahim) Is that the order the Honourable Member is referring to?

Mr. Muhammad Azhar Ali: Sir, in Calcutta a local language is Urdu also

Mr. President (The Honourable Sir Abdur Rahim) I cannot go into all that That is an old order The motion is disallowed

NON-SUPPLY OF URDU CENSUS FORMS IN BIHAR

Mr. President (The Honourable Sir Abdur Rahim) The next one is in the name of the Honourable Member, Syed Ghulam Bhik Nairang, who wishes to discuss a matter of urgent public importance of recent occurrence, namely, the failure of the Government of India to supply Urdu Census forms in Bihar and the compulsion to fill up these forms either in English or Hindi only That is barred

STATEMENT RE ALLEGED FORCIBLE OCCUPATION OF THE IDGAH AT BURHANPUR IN THE CENTRAL PROVINCES

Mr. President (The Honourable Sir Abdur Rahim) I understand the Honourable Member, Mr Ogilvie, wishes to make a statement

Mr. C. M. G. Ogilvie (Defence Secretary) Sir, I have an explanation to offer to the House in respect of an adjournment motion moved by Maulana Zafar Ali Khan on the 19th of November last, in which it was stated that certain troops had forcibly occupied the *Idgah* at Burhanpur in the Central Provinces On receipt of the notice of the adjournment, I telegraphed to the local military authorities and received the reply that the tents in question had been pitched close to the *Idgah* but did not actually unpin upon it I, accordingly, in objecting to the adjournment motion gave that information Since then, an inquiry has been conducted by the

[Mr C M G Ogilvie]

Central Provinces Government, and, as a result, the explanation which I gave to the House has been found not to be strictly correct. The facts are as follows. The *Idgah* is a wall, and has, in front of it, an old camping ground. On the ground there is nothing to show where the camping ground ends and the *Idgah* plot begins, except that the *Idgah* plot is said to be slightly raised. The local civil officials allowed the officer commanding the troops to have tents pitched upon this slightly raised piece of ground, which, on further investigation, has been found to be part of the *Idgah* plot. The facts were not known at the time of occupation to the military officer commanding, who only learnt of them the next day after the troops had left Burhanpur. The Brigadier has expressed his regret for the unintentional error to the Imam of the Jama Masjid of Burhanpur and, I understand, that the Deputy Commissioner has also expressed regret to the *Idgah* authorities.

NOMINATION OF THE PANEL OF CHAIRMEN

Mr. President (The Honourable Sir Abdur Rahim) I have to inform the House that under sub-rule (1) of rule 3 of the Indian Legislative Rules, I nominate Dr Sir Ziauddin Ahmad, Mr M S Aney, Mr L C Buss and Mr N M Joshi on the Panel of Chairmen for the current Session.

COMMITTEE ON PETITIONS

Mr. President (The Honourable Sir Abdur Rahim) I have to announce that, under sub-order (1) of Standing Order 80 of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions, namely

- (1) Syed Ghulam Bhik Nairang,
- (2) Mr L C Buss,
- (3) Sir Abdul Halim Ghuznavi, and
- (4) Sir H P Mody

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

GOVERNOR GENERAL'S ASSENT TO BILLS

Secretary of the Assembly: Sir, information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature, during the Autumn session, 1940, have been assented to by His Excellency the Governor General under the provision of sub-section (1) of section 68 of the Government of India Act, as continued by section 317 of the Government of India Act, 1935

- (1) The Indian Works of Defence (Amendment) Act, 1940,
- (2) The Indian Navy (Discipline) Amendment Act, 1940,
- (3) The Indian Navy (Discipline) Second Amendment Act, 1940,
- (4) The Cantonments (Amendment) Act, 1940,

- (5) The Repealing and Amending Act, 1940,
- (6) The Indian Registration (Amendment) Act, 1940,
- (7) The Code of Civil Procedure (Amendment) Act, 1940,
- (8) The Code of Criminal Procedure (Amendment) Act, 1940,
- (9) The Indian Companies (Amendment) Act, 1940,
- (10) The War Donations and Investments (Companies) Act, 1940,
- (11) The Reserve Bank of India (Third Amendment) Act, 1940,
- (12) The Motor Spirit (Duties) Amendment Act, 1940,
- (13) The Indian Income-tax (Amendment) Act, 1940,
- (14) The Indian Sale of Goods (Amendment) Act, 1940, and
- (15) The Excess Profits Tax (Amendment) Act, 1940

CERTAIN HOME DEPARTMENT DECLARATIONS OF EXEMPTION
LAID ON THE TABLE

The Honourable Sir Reginald Maxwell (Home Member) Sir, I lay on the table

- (i) a copy of the Home Department Declaration of Exemption, No 21/38/40-Political (E), dated the 27th November, 1940,
- (ii) a copy of the Home Department Declaration of Exemption, No 21/37/40-Political (E), dated the 21st December, 1940, and
- (iii) a copy of the Home Department Declaration of Exemption, No 1/1/41-Political (E), dated the 28th January, 1941

No 23/38/40-Political (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

New Delhi, the 27th November 1940

DECLARATION OF EXEMPTION.

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Miss Evelyn Phyllis Feld, an American national

*No 21/37/40 Political (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

New Delhi, the 21st December 1940

DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr Naoyosi Abe, an official attached to the Japanese Consulate at Bombay, so long as he holds a post in that Consulate

No 1/1/41-Political (E)

GOVERNMENT OF INDIA

HOME DEPARTMENT

New Delhi, the 28th January 1941

DECLARATION OF EXEMPTION

In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr K Ohta, an official attached to the Japanese Consulate General at Calcutta, so long as he holds a post in that Consulate-General

REPORT ON THE INDO-CEYLONESE SITUATION

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands) Sir, I lay on the table

- (i) Report of the Ceylon Delegation to the Ceylon State Council on the informal Indo-Ceylon conversations,
- (ii) *The verbatim record of the conversations,
- (iii) The Government of India Press Communiqué on the subject

Mr. F. E. James (Madras European) May I raise a point for your consideration, Sir? My Honourable friend has laid three documents on

*Not printed in these Debates, but a copy has been placed in the Library of the House—*Ed of D*

the table. One is the report of the Ceylon Delegation to the Ceylon State Council on the informal Indo-Ceylon conversations. The other is a verbal record of the conversations, but the third is a Press Communiqué on the subject. I understand that only certain Members of this House have copies of the Press Communiqué. The subject-matter of the Communiqué is extremely important. I should like to ask the Government whether it would not have been more appropriate and certainly more fitting for them to have made a statement on this subject to the House. If they wish to issue a Press Communiqué, nobody can stop them. They are entitled to do so. But surely there seems to be no point in laying on the table a Press Communiqué which is issued at the same time and the contents of which are not available to all Honourable Members. Last Session, the Member in charge of the Department was asked by me on two occasions whether he was in a position to make a statement on this subject, and he said that he was not then but would make a statement at a more favourable opportunity. I suggest, therefore, that it is not treating this House with the consideration that it deserves for my Honourable friend, the Secretary of the Department, to come here and place on the table a Press Communiqué, which presumably has already been sent to the press and which will not, therefore, be in the hands of the Honourable Members until they see it in the papers tomorrow.

Mr. President (The Honourable Sir Abdur Rahim) Does it necessarily follow that a statement cannot be made by the Honourable Member on the subject?

Mr. F. E. James: I presume that the statement that the Honourable Member would normally make is the statement which has now been issued to the press.

Mr. President (The Honourable Sir Abdur Rahim) I do not know if the Honourable Member wishes to make any statement in addition to laying these documents on the table.

Mr. F. E. James: My point is that if the Honourable Member was going to indicate anything to this House at all it should have been by means of a statement to the House and not by placing on the table a Press Communiqué, the contents of which will not be available to Honourable Members until tomorrow.

Mr. President (The Honourable Sir Abdur Rahim) Supposing he makes a statement also. I do not know whether it will be open to any objection.

Mr. F. E. James: If the Honourable Member wishes to do that we should have no objection.

Mr. President (The Honourable Sir Abdur Rahim) I do not know if he wishes to do that. It is for him to say.

Mr. F. E. James: I would certainly prefer the Honourable Member to make a statement to the House rather than lay a Press Communiqué on the table.

Mr. J. D. Tyson: I am perfectly prepared to read the Communiqué, but it is in the Library of the House as well

Mr. President (The Honourable Sir Abdur Rahim) Will the Honourable Member make a statement on another occasion or is he prepared to make a statement now?

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadan Rural) He has not got a copy it is in the Library

Mr. President (The Honourable Sir Abdur Rahim) I do not know what Mr James wishes in these circumstances Does he want the Honourable Member to make a statement on some other date which may be convenient to the Government?

Mr. F. E. James: I certainly consider that the statement should be made today to this House and that it should not be placed on the table in the form of a Press Communiqué and I would ask you to permit the Honourable Member to read to the House the statement which he has now laid on the table

Mr. N. M. Joshi (Nominated Non-Official) May I say a word on this point? I am fully in support of the point raised by Mr James

An Honourable Member: He is now Sir Frederick James

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House). Not yet Mr James is correct

Mr. N. M. Joshi: I have found on various occasions that the Government of India do not show proper respect to the Legislature On many

Mr. President (The Honourable Sir Abdur Rahim) I do not want to know what may have happened before, but the question now is whether a statement should be made by Mr Tyson

Mr. N. M. Joshi: I suggest that the statement should be made

Mr. President (The Honourable Sir Abdur Rahim) Very well, Mr Tyson is going to make that statement

Mr. J. D. Tyson: It is somewhat long, but I will read it out

"Following a suggestion made by the Government of Ceylon and accepted by the Government of India, a mission from Ceylon visited New Delhi in November, 1940, to discuss in informal conversations with representatives of the Government of India, matters outstanding between the two countries and to explore and prepare the way for formal negotiations later on The Ceylon delegation consisted of the Hon'ble Mr D S Senanayake, the Hon'ble Mr H J Huxham, C M G, the Hon'ble Mr S W R D Bandaranaike and the Hon'ble Mr G C S Corea The Government of India were represented by the Hon'ble Sir Gija Shankar Bappai, K B.E., C I E, I C S, the Hon'ble Dewan Bahadur Sir A Ramaswami Mudahar, the Hon'ble Sir Alan Lloyd, C I E, I C S, Mr G S Bozman, C I E,

ICS, assisted by Mr T G Rutherford, CSI, CIE, ICS, and Mr A Vittal Pai, OBE, ICS. The main subjects which it was agreed should come under discussion were

- (a) the control of immigration into Ceylon,
- (b) the dismissal of Indian daily paid workers,
- (c) the question of Indian franchise and domicile, and
- (d) certain restrictions on Indian rights and opportunities now imposed or sought to be contemplated

It was hoped that if satisfactory results were reached as a result of the discussion on these points the question of trade relations with Ceylon might also be examined

2 At the opening meeting it was agreed that the first subject for examination should be the status of Indians now resident in Ceylon. This would have largely covered (b), (c) and (d) above and, in the event of agreement being reached upon principles that should regulate the status of resident Indians, the way would have been opened towards a satisfactory understanding upon other questions, such as the control of immigration into Ceylon and trade relations between the two countries

3 The Ceylon delegation, while agreeing to the discussion of matters of principle, explained that the discussion must take into account the peculiar circumstances of Ceylon. At an early stage one of the Ceylon ministers said "We cannot absorb the full number of Indians in Ceylon. It is of course difficult to decide off-hand the particular quantum, but obviously the absorption of what corresponds to one-sixth of the total population of the country would undoubtedly lead to the possible result, as many of us see it, of the extermination of our own people. It is really becoming now a stark question of survival. Their (the Indians') absorbability, in the sense of all privileges being extended to the Indian population of Ceylon, must be so strictly limited as to prevent the dangers of that submergence which is going on very fast." At the closing stages another Ceylon minister observed "We realise that however willing we may be to arrive at an agreement still our position is such that the number of Indians who are settled in that country (Ceylon) has to be reduced." The Ceylon delegates, therefore, approached the problem from the point of view of reducing the Indian population in Ceylon. The following proposals, which they put forward, were framed on this basis

- (1) Persons of Indian descent who possess a Ceylon domicile of origin (i.e., those born in Ceylon, if legitimate, of a father having a Ceylon domicile of origin or of choice and, if illegitimate, of a mother having a domicile of origin or of choice, in Ceylon) should be considered Ceylonese and be entitled to all the rights and privileges accorded to the Ceylonese
- (2) Other persons of Indian descent now resident in Ceylon should be entitled to the rights and privileges normally accorded to British subjects, and those within this class who possessed a Ceylon domicile of choice (which must include 5 years' residence) were to be entitled to the State Council franchise but they were not to possess certain privileges reserved to Ceylonese under certain enactments and regulations such as

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(a) the grant of Crown land under the Land Development Ordinance, (b) rights under the Fisheries Ordinance and (c) the right to apply for posts under the Ceylon Government Persons in category (2) were to be entitled on application to certificates of residence. Such a certificate was to entitle the holder to reside and earn his living in Ceylon subject to such conditions as might be set out in the certificate.

4 After discussion it was agreed that the substance of these proposals was as follows

- (i) Indians in Ceylon in the third generation, as also Indians in the second generation whose parents had a domicile of choice, would have a domicile of origin and be treated as Ceylonese in all respects,
- (ii) Indians in Ceylon with a domicile of choice would be entitled to the State franchise but all other rights over the whole field of employment would be subject to such restrictions as the Ceylon Government might find it necessary to impose,
- (iii) Indians in Ceylon with no domicile of origin or of choice, that is, with less than 5 years' residence on a date to be specified, would be entitled to earn their living but would have no citizenship rights and could not at any time acquire them.

As regards (ii) above, children of such persons would ultimately qualify to be included in (i), but persons in (iii) could never qualify for inclusion in (ii) with the result that they and their children would be excluded from Ceylon citizenship for ever.

After very careful consideration of the Ceylon Delegates' proposals, the Indian Delegation took the view that, on the question of status, the claim of Indians to equality of citizenship should be based upon the same principle, the application of which they had consistently urged in respect of other countries in the British Commonwealth of Nations where Indians have settled, namely, that full citizenship rights, covering the whole political and economic field, could legitimately be claimed by all Indians who could establish proof of a prescribed period of residence and of a permanent interest in that country. As regards Ceylon, they suggested, (a) five years' residence, (b) a permanent interest in Ceylon, "both tests to be satisfied by some set of easily ascertainable facts". The Indian delegation recognised, however, that certain specific reservations might have to be made in the special circumstances of Ceylon and were prepared to consider provisions regarding the right to enter Government service and the right to acquire land already mapped out under the Crown Lands Development Ordinance. It was on this basis that they proposed:

- (1) That full citizenship should be conferred on all Indians who could furnish proof (a) of 5 years' residence in Ceylon, and (b) of a permanent interest in the island, both tests to be satisfied by some set of easily ascertainable facts. For example, as regards (b) the fact that a married person lived in Ceylon with his wife and children, if any, should suffice to raise the presumption of permanent interest. Any other factual tests that might be suggested were to be discussed at a later formal conference.

- (2) That persons who did not complete 5 years' residence on the prescribed date would, on fulfilment of this requirement and also of the tests that might be laid down of a permanent interest in Ceylon, acquire domicile of choice and be on an equal footing with those in category (1) above

The Indian delegation were prepared to concede that persons with domicile of choice as proposed above (a) should not claim the right to appointment to Ceylon Government service or under quasi-Government bodies, provided, however, that Indians already serving under Government or quasi-Government bodies would be entitled to continue in such service without discrimination, and (b) should not participate in the benefits of the Land Development Ordinance so far as land already mapped out and reserved for Ceylonese was concerned but should have full equality as regards land which might be so reserved in future. The children of such persons would, however, be entitled to both these privileges. The Indian delegation further proposed that Indians now resident in Ceylon who did not exercise or qualify for the domicile of choice should be entitled to engage in or continue to engage in any lawful vocation or calling without discrimination.

Subject to acceptance of the fundamental principle that full rights of citizenship over the whole political and economic field on a footing of equality with Ceylonese should be conceded to Indians resident in Ceylon on an agreed date, on their furnishing proof of residence for a prescribed period and of permanent interest, the Indian delegation were prepared to consider any modifications in detail of their proposals that the delegation from Ceylon might put forward.

5 The Ceylon delegation, however, found themselves unable to accept the principle underlying the proposals of the Indian delegation. As already stated, they had, even before their proposals were put forward, hinted at the necessity, from their point of view, of substantially reducing the numbers of the Indian population resident in Ceylon. From an early stage, the discussions had revealed that the Ceylon delegation laid great emphasis upon the necessity, however unpleasant, of restricting the employment of Indians in all spheres, including estates. For example, on the second day of the Conference, even in regard to persons possessing a domicile of choice, the Leader of the Ceylon delegation admitted that these might be subjected not only to restrictions that now operate in favour of Ceylonese but also to fresh restrictions in the future. The discussions that followed the presentation of the Indian proposals merely served to bring out the unwillingness of the Ceylon delegates to make any commitment, beyond an expression of their willingness to consult the Government of India, that would hamper their freedom to impose restrictions on Indian employment in favour of the Ceylonese. One of the Ceylon delegates observed "Your proposals would bring full citizenship to a much larger number of Indians than we can possibly consider. It would confer full rights upon a much larger number than we can absorb". At a later stage, when asked for a list of possible future restrictions, he said "It may be perhaps difficult for us, with reasonable accuracy, to supply you with the range of possible restrictions even now". It thus became clear that not only persons who would be eligible for the Ceylon domicile of choice under the proposals made by the Ceylon delegates but even their children might in fact have little

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opportunity of obtaining a domicile of origin as their parents might have to leave Ceylon under economic pressure and restrictions and thereby lose their domicile of choice. It was argued by the Ceylon delegates that India had already accepted something similar in South Africa in the scheme for repatriation formulated at the Cape Town Conference in 1927. The Indian delegation, however, pointed out firstly that that scheme was entirely voluntary in character and secondly that it arose from the fact that there were in South Africa a number of Indians who had no wish to accommodate themselves to Western standards of life. There was, therefore, no analogy in either respect between that scheme and the present proposals of the Ceylon delegation. Reference was also made to action taken by certain Provincial Governments in India regarding the employment of persons from outside the Province, but the Indian delegation explained that here also no analogy could be drawn as the action taken referred only to future recruitment and was confined to Government service. The Ceylon delegates also mentioned that by the definition given to the term 'foreigner' India had taken the power to apply special restrictions to every person other than an Indian and a British subject domiciled in the United Kingdom. The reference appears to have been to the Foreigners Registration Act XVI of 1939. This Act is a measure designed solely to keep track of undesirables and was passed in April 1939 under the threat of war. It refers only to provisions for registration. In the result, while reiterating their good will towards India, and their desire to reach an agreement, they found themselves unable to modify their objective of substantial reduction of the size of the Indian population by such measures, including economic pressure, as might serve to achieve it.

6 It was with profound regret that the Indian delegates were forced to the conclusion that the angles from which the two delegations approached the vital question of the status of the resident Indian population in Ceylon were so divergent as to offer no basis for continuing the exploratory talks. While fully appreciating the desire of the Ceylon delegation to secure the maximum opportunity for employment for their own people in Ceylon, the Indian delegation were unable to agree to any method of achieving that purpose which would involve discrimination against, or pressure upon, Indians resident in Ceylon who, in their opinion, could legitimately claim full equality of citizenship. The conversations were, therefore, discontinued. The desire of the Government of India that relations between the two countries should be placed on a firm basis of friendship and co-operation has in no way diminished and should a prospect of a resumption of negotiations with greater possibilities of success appear in the future, they will be found ready to take advantage of it."

I would only add that there was no intention to be disrespectful to the House in any way. This Press Communiqué has not actually appeared in the press yet at all. It has been issued to the press for publication after presentation here—sometime after midday today, the date and time being chosen with reference to the fact that similar documents are being presented to the Ceylon Council this afternoon. I do not know how many copies of this have been printed but, speaking without any opportunity of referring, I believe we can make copies available to the Members of the House at once.

THE REPORT.

Indo-Ceylon Relation, Exploratory Conference Report

THIS report contains an account of the conference that took place between representatives of the Government of India and Ministers from Ceylon

2 On a request made by His Excellency the Governor of Ceylon, the Government of India agreed to a conference the objects of which were set out as follows in a joint communiqué

"At the request of the Government of Ceylon, the Government of India have agreed to an informal conference between Ministers from Ceylon and representatives of the Government of India

"The meeting which is expected to take place in India early in November will be entirely informal and exploratory in character and is intended to secure a satisfactory basis for formal negotiations at a later date on all problems of common interest which require adjustment

"It is hoped that a frank preliminary discussion such as the one proposed by the Government of Ceylon will serve to remove any misunderstanding which may exist and will assist the promotion and maintenance of those friendly relations between the two countries which both Governments so earnestly desire "

3 In pursuance of this arrangement, the following were selected to be the representatives from Ceylon

The Hon Mr D S Senanayaka, Minister for Agriculture and Lands

The Hon Mr H J Huxham, C M G , Financial Secretary

The Hon Mr G C S Corea, Minister for Labour, Industry and Commerce

The Hon Mr S W R D Bandaranaike, Minister for Local Administration

Messrs F C Gimson, C C S , Controller of Labour, and D H Balfour, C C S , Director of Commerce and Industries, accompanied the delegation as Advisers

Mr L J Seneviratne, C C S , was Secretary to the delegation

The representatives of the Government of India were

Sir Gija Shankar Bajpai, K B E , C I E , I C S , Member for Education, Health and Lands

Sir Ramaswami Mudaliar, Member for Commerce

Sir Alan Lloyd, C I E , I C S

Mr G S Bozman, C I E , I C S

Mr G T Rutherford, C S I , C I E , I C S

Mr Vital Pai, O B E , I C S

Mr S Dutt, I C S , was the Secretary

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4 The conference began on November 4 and ended on November 12. There were altogether five sittings

5 In reply to an inquiry made by the Ceylon delegation, the Government of India had proposed a series of subjects for discussion at the conference, namely, the control of immigration into Ceylon, the dismissal of Indian daily-paid workers, questions of franchise and domicile and certain restrictions of rights and opportunities imposed or said to be contemplated in the case of Indians now in Ceylon, and possibly trade negotiations

6 At the outset of the conversations Sir G S Bajpai stated that for them the most important question of all was the status of Indians at present in Ceylon, and the principles by which their economic and their political rights were to be regulated. He suggested that if an agreement was reached on certain principles regarding this question, other subjects such as Indian franchise, immigration, labour, &c, could be easily adjusted in the light of the agreed principles

In this the Ceylon delegation acquiesced, making it clear, however, that in the discussion of those principles the particular conditions existing in Ceylon must receive full consideration. The Indian delegation agreed

7 The Ceylon delegation explained at some length the economic conditions prevailing in their country, *e.g.*, the increasing population, the rapidly growing unemployment, the falling standard of living, the extremely limited opportunities for further employment, the difficulty already experienced by the Ceylon Government in providing unemployment relief works and in alleviating distress caused by the growing poverty of the people due primarily to unemployment as well as under-employment

In spite of these difficulties the delegation was prepared to recognize the claims to full rights and privileges of citizenship of those Indians, who have no connection with India and have a genuine and abiding interest in Ceylon

8 In view of the foregoing considerations, the following proposals for determining the status of resident Indians were submitted by the Ceylon delegation

- (i) Persons of Indian descent who possess a Ceylon domicile of origin, *i.e.*, those born in Ceylon, if legitimate, of a father having a Ceylon domicile of origin or of choice, and, if illegitimate, of a mother having a Ceylon domicile of origin or of choice. These will be considered Ceylonese and be entitled to all the rights and privileges of Ceylonese
- (ii) Other persons of Indian descent now resident in Ceylon. These will be entitled to the rights and privileges normally accorded to British subjects and those within this class who possess a Ceylon domicile of choice (which must include 5 years' residence) will, as now, be entitled to the State Council franchise, but they will not possess privileges reserved to Ceylonese under certain enactments and regulations such as—
 - (a) grant of Crown land under the Land Development Ordinance,
 - (b) rights under the Fisheries Ordinance,
 - (c) right to apply for posts under the Ceylon Government.

They will be entitled, on application, to certificates of residence. Such a certificate will entitle the holder to reside and earn his living in Ceylon, subject to such conditions as may be set out in the certificate.

9 The proposals in brief are, the grant of full citizenship to Indians possessing a Ceylon domicile of origin while other Indians are given the rights and privileges normally accorded to all British subjects, with additional rights and privileges in the case of those possessing a domicile of choice.

10 It was pointed out by the Ceylon delegation that other countries, including India herself, have had to adopt, under pressure of circumstances prevailing in those countries, measures which amount to the denial of citizenship rights to immigrants. The following instances were quoted:

(a) The agreement reached between South Africa and India, to the following effect:

"South Africa and India have concluded an agreement of a special character, its purpose is to facilitate the repatriation, not only of Indian immigrants who have settled in the Union for considerable periods, but also the emigration of persons of Indian origin in the Union. This agreement was concluded as a result of the Conference held in 1926-27 by delegates from the two countries, in order to arrive at a solution of the difficulties created by the presence in South Africa of a large number of Indians who have not easily adapted themselves to the European civilization that is developing in that country and who are constantly regarded by the South African authorities as an element making for economic instability. It was agreed that South Africa would organize a scheme of assisted emigration for such Indians to other countries where Western standards of living were not required and particularly to India."

(Migration Laws and Treaties,—Vol. 3, 1929 Geneva International Office)

(b) The definition of "foreigner" in the Foreigners Act of 1939 of India which runs as follows:

"'Foreigner' includes every person other than—

- (1) a British subject domiciled in the United Kingdom,
- (2) a British Indian subject,
- (3) a Ruler or a subject of an Indian State, and
- (4) a Consul General, Vice-Consul or a person appointed by a foreign Government to exercise diplomatic functions."

By this measure, all non-Indians including British subjects domiciled in various parts of the British Empire (with the sole exception of those domiciled in the United Kingdom) are treated as foreigners.

11 Whatever the circumstances may be which led to the above quoted instances, the former shows that India has acquiesced in an arrangement which in effect amounts to discrimination against Indians, and the latter proves that India herself is prepared to discriminate as between British subjects including Ceyloneses.

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12 It was also mentioned that even within India pressure of circumstances had necessitated the taking of discriminatory measures, and one of the proposals put forward to meet the difficulties created by the influx into Bihar of Indians from the adjoining province of Bengal was to the following effect

no person should be regarded as domiciled in the Province unless he can produce a certificate to that effect from the District Officer of the District in which he claims to be a resident. Before granting a certificate of domicile to any person, the District Officer should satisfy himself that his family is permanently settled in the Province and that he has adopted Bihar as his home and has no intention of returning to his country of origin.

13 The Ceylon delegation further pointed out that in actual practice a large number of Indians including many of those born in Ceylon keep their families in India, visit that country frequently and, in other ways, maintain close contact with it.

14 Ceylon has already reached the point, it was observed, where she cannot support a reasonable standard of living for her people, her population is rapidly increasing with all the attendant economic problems and difficulties. Placed in these circumstances Ceylon has no alternative but to restrict the number of non-Ceylonese to whom full rights of citizenship can be extended. The position in which Ceylon finds herself now was envisaged sometime ago by the League of Nations, which recommended that, in circumstances similar to those of Ceylon, all labourers from other countries should be recruited on definite agreements providing for repatriation in later years.

15 The counter-proposals made by the Indian representatives were as follows

"We suggest an expansion of your (that is, the Ceylon delegation's) second category on the following basis, namely, that full citizenship should be conferred on all Indians who can furnish proof (a) of five years' residence in Ceylon, and (b) of a permanent interest in the Island, both tests to be satisfied by some set of easily ascertainable facts. For example, as regards (b) the fact that a married person lives in Ceylon with his wife and children, if any, should suffice to raise the presumption of permanent interest. This proposal will not cover the case of those Indians who are not married. The test to be applied to them as also any other factual test that you may wish to suggest can be the subject of discussion at our later formal conference. What we are anxious to ensure is that such tests should be specifically set out and not left to the judgment of individual officers, which is the case at present.

We should, however, be prepared to agree that Indians falling in this class may not claim (1) the right to appointment in the Ceylon Government Service or under quasi-Government bodies provided, however, (a) that Indians now serving under Government or quasi-Government shall be entitled to continue in such service without discrimination and (b) that the

descendants, including adults, of Indians who are either now resident in Ceylon or at the time of death were so resident and who themselves normally reside in Ceylon, should be eligible for such appointments without discrimination

- (2) With regard to the grant of Crown land under the Land Development Ordinance, we would not claim that the policy of the Ceylon Government in regard to lands already declared to be reserved for Ceylonese should be disturbed but we would urge that the equality of rights claimed by us for this category of Indians should include all other Crown land
- (3) Finally, as regards Indians now resident in Ceylon who do not qualify for citizenship as defined above, we suggest that they should be entitled to engage in or continue to engage in any lawful vocation or calling which they now exercise or may hereafter exercise, without discrimination "

16 The first point to be noted regarding these proposals is that, although they purported to be a modification of those made by the Ceylon delegation, they are in fact based on an entirely different principle. This principle was explained by the Indian delegation as follows

"The problem of the status of Indians facing us is not peculiar to Ceylon. This problem exists wherever Indians are resident in all parts of the world. Once we concede any qualification in the matter of citizenship, we open the door to similar claims all over the British Commonwealth of Nations. Even the different States of India would have different classes of citizens measured in terms of political and economic rights. It is not very easy for us therefore to envisage a definition which would really meet the different circumstances that you have just now stated—circumstances which have to be taken into consideration. But broadly stated our position is this. That Indians who have been resident for an agreed period of years in a particular territory under the British Government acquire equality with the indigenous inhabitants of the territory—acquire equality of rights over the whole field of rights. That is the principle we have all along continued to insist upon "

This means that the Indian delegation, after considering the special circumstances of Ceylon as explained by the Ceylon delegation, were not prepared to agree, in the light of these special circumstances, to any modification of the claims made by India on behalf of Indian nationals in other countries. Their attitude was further clarified by a statement at a later stage to the effect that every Indian now in Ceylon must be allowed to settle in Ceylon permanently if he so wishes.

17 The next matter calling for attention is the inadequacy of the tests contemplated for ascertaining whether or not there exists in the case of any particular Indian a "permanent interest" in the Island. This can only be ascertained by questioning each individual carefully and considering the special circumstances of his case. The Indian proposals, apparently in the interests of simplicity, attempt to replace this procedure by an artificial rule which might have little relation to actual facts. The presumption

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suggested for married persons shows the unreality of the proposal. While it would not be unfair to presume that a person who leaves his family in India means to return to India, it would seem illogical to say that because an Indian lives in Ceylon with his wife and children it is not his intention to go back to India. In fact the pith of Ceylon's contention, based on actual experience of Indian labour, is that in the great majority of instances the contrary is the case. In this question of permanent interest, simplification can be achieved only at the expense of accuracy.

18 It should also be observed in passing that the Indian proposals involve (a) the amendment of such Ordinances as the Land Development Ordinance, the Village Communities Ordinance and the Fisheries Ordinance, and (b) a reversal of the policy hitherto adopted by Government in attempting to secure greater employment for Ceylonese in occupations previously almost wholly monopolized by non-Ceylonese.

19 The Ceylon delegation urged that the transfer of citizenship from one unit of the Empire to another should approximate, as closely as possible, to the conditions for naturalization between two political independent countries—a position impliedly adopted by India herself in passing the Foreigners Act referred to earlier. Now, naturalization requires stricter conditions than are necessary for domicile. And yet the Indian delegation in their proposals contemplated domicile (less strictly defined than domicile in its full legal sense) as sufficient for the acquisition of full rights of Ceylonese citizenship.

20 The Indian proposals not only widen the category of those who are entitled to full citizenship, but also grant the opportunity to acquire a domicile of choice to Indians now resident in Ceylon who have not completed five years' residence. In effect therefore, Ceylon is to resign herself to the absorption of about a million Indians. With their descendants of course that number will be greatly increased in the future.

21 The fourth day's sitting was taken up principally in examining the implications of the two sets of proposals. It became clear that the grant of full rights to Indians possessing merely domicile of choice, which was demanded by the Indian delegation, could not be accepted by the Ceylon delegation. Resident Indians falling within this category could, it was pointed out, obtain the franchise, and if they could, by their own endeavours, establish themselves in the country their children born in Ceylon would automatically enjoy full rights of citizenship. The concession, therefore, of full citizenship to the children of Indians possessing a domicile of choice, was a substantial one.

22 It was urged that Ceylon must be free to take such steps as are necessary, even to the disadvantage of resident Indians, to create wider opportunities for Ceylonese. For this purpose, the Ceylon Government would be prepared to negotiate with India regarding a repatriation scheme whereby Indians might voluntarily return to India with a suitable monetary grant.

23 Ceylon, finally, would not be prepared to extend the franchise to those resident Indians who did not exercise their right of choice of Ceylon domicile by a fixed date.

24 The Indian delegation was earnestly requested to suggest a solution acceptable to them and at the same time calculated to meet the difficulties pointed out by the Ceylon delegation.

25 To this, the reply was given at the final sitting that the Indian delegation found it impossible to suggest any method of achieving the purposes which the Ceylon delegation had in view "which did not involve either discrimination against, or pressure on, those Indians who could legitimately claim full equality of citizenship"

26 As no agreement could be reached on the question of the status of Indian immigrants in Ceylon, the Indian delegation was unwilling to proceed to the consideration of the other questions noted for discussion. The talks thus came to an end.

27 The Ceylon delegation would like to take this opportunity of recording their appreciation of the courtesy and hospitality shown to them in India both officially and unofficially.

(Sgd) D S SENANAYAKE

(Sgd) H J HUXHAM

(Sgd) S W R D BANDARANAIKE

(Sgd) G C S COREA

Colombo, December 14, 1940

Mr. M. S. Aney (Berar Non-Muhammadian) May I know whether it is the desire of Government, in view of the importance of this subject, to give us a day for discussing the Indo-Ceylonese situation?

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadian Rural) I support that proposal. It is very desirable that we should have an opportunity of discussing this question. In fact, I wanted to table an adjournment motion on it, but I did not actually move it, because it might complicate matters.

The Honourable Sir Muhammad Zafrullah Khan: Sir, Government will be prepared to consider the suggestion made by the Honourable Members

THE INDIAN RAILWAYS (AMENDMENT) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Sir Andrew Clow (Member for Railways and Communications) Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Railways Act, 1890, with the Bill as amended.

THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) Sir, I present the report of the Select Committee on the Bill further to amend the law relating to fraudulent marks on merchandise.

ELECTION OF TWO MEMBERS FOR THE COMMITTEE ON PUBLIC ACCOUNTS

The Honourable Sir Jeremy Raisman (Finance Member) Sir, I move

"That the non official members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, two members to be members of the Committee on Public Accounts in place of the late Mr S K Som and Captain Sarda. Sir Sher Muhammad Khan who has ceased to be a member of the Assembly "

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That the non official members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, two members to be members of the Committee on Public Accounts in place of the late Mr S K Som and Captain Sarda Sir Sher Muhammad Khan who has ceased to be a member of the Assembly "

The motion was adopted

ELECTION OF A NON-OFFICIAL MEMBER TO SERVE ON THE STANDING COMMITTEE TO ADVISE ON SUBJECTS, OTHER THAN 'ROADS' DEALT WITH IN THE DEPARTMENT OF COMMUNICATIONS

The Honourable Sir Andrew GLOW (Member for Railways and Communications) Sir, I move

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct, a non official member to serve on the Standing Committee to advise on subjects, other than 'Roads' dealt with in the Department of Communications during the financial year 1940-41, in the vacancy caused by the death of Pandit Krishna Kant Malaviya "

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct, a non official member to serve on the Standing Committee to advise on subjects, other than 'Roads' dealt with in the Department of Communications during the financial year 1940-41, in the vacancy caused by the death of Pandit Krishna Kant Malaviya "

The motion was adopted

ELECTION OF FOUR MEMBERS FOR THE COURT OF THE UNIVERSITY OF DELHI

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands) Sir, I move

"That the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own numbers to be members of the Court of the University of Delhi in pursuance of clause (xiv) of sub-section (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922), read with clause (5) of Statute 2 of the First Statutes of the University set out in the Schedule to the Act "

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own numbers to be members of the Court of the University of Delhi in pursuance of clause (xiv) of subsection (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922), read with clause (5) of Statute 2 of the First Statutes of the University set out in the Schedule to the Act."

The motion was adopted

Mr. President (The Honourable Sir Abdur Rahim) I may inform Honourable Members that for the purpose of election of members for the Committee on Public Accounts, Standing Committee for the Department of Communications, and the Court of the University of Delhi the Notice Office will be open to receive nominations up to 12 Noon on Friday, the 14th February, 1941. The elections, if necessary for the Committee on Public Accounts and the Standing Committee for the Department of Communications will take place on Monday the 17th February while the election for the Court of the University of Delhi will be held on Tuesday the 18th February, 1941. The elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will be held in the Assistant Secretary's room in the Council House, New Delhi, between the hours of 10-30 A M and 1 P M

THE INSURANCE (AMENDMENT) BILL

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) Sir, I introduce the Bill further to amend the Insurance Act, 1938

THE INSURANCE DEPOSITS (TEMPORARY REDUCTION) BILL

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) Sir, I introduce the Bill to provide for the reduction temporarily of the amounts payable as instalments of the sum to be deposited by an insurer under section 7 of the Insurance Act, 1938

Sir, I move

"That the Bill to provide for the reduction temporarily of the amounts payable as instalments of the sum to be deposited by an insurer under section 7 of the Insurance Act, 1938, be taken into consideration."

Mr. President (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill to provide for the reduction temporarily of the amounts payable as instalments of the sum to be deposited by an insurer under section 7 of the Insurance Act, 1938, be taken into consideration."

Mr. Lalchand Navalrai (Sind Non-Muhammadian Rural) Sir, ordinarily I would not object to the consideration of this Bill which is said to be beneficial to the insurer. But I do not see why there should be the

[Mr Lalchand Navalrai]

hurry and the Bill taken into consideration immediately after introduction today Sir, I do not say that this Bill, as it is being hurried through, will not cause some inconvenience and disadvantage to those to whom it has to apply . .

Mr. President (The Honourable Sir Abdur Rahim) Perhaps he may allow some time to the House and to the Honourable Member to discuss the Bill

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That is true, but there are two considerations which I respectfully venture to put forward for the consideration of the House and then I shall leave the matter in the hands of the House In the first place, there is the Statutory obligation on the part of the Superintendent of Insurance to take certain penal action against companies which do not by a certain date deposit a certain amount That statutory obligation cannot by any means be prevented so far as the Government of India is concerned It is cast on the Superintendent of Insurance and he is bound to take that action That is the reason why I have come forward with this enabling provision for a retrospective clause Every day that this Bill is not on the statute book it means that the Superintendent of Insurance is at liberty to take this action and there is no power on the part of the Government of India to prevent him from taking that action On the other hand he would be looked upon as having been guilty of dereliction of duty on his part if he were not to take that action That is the reason why this Bill has been published in the gazette and a communique has been issued to the young life insurance companies that as far as possible the Superintendent of Insurance might take notice of the fact that this Bill has been already published and stay his hands, but that the Government of India is not in a position to prevent him from taking that action Therefore the sooner this Bill is on the statute book the better for those insurance companies

There is only one point that has been raised by my friend, Dr Sir Ziauddin Ahmad, which probably will be placed before this House, that after all, if this Bill is passed today in this House it will still have to go to another place and the meetings there will not begin till the 18th or 19th of this month and therefore it is quite possible to take up the further consideration of this Bill on the next official day In that connection I would like to put forward a personal matter As the House is aware, we are engaged in negotiations with the Burmese delegation over the Indo-Burma Agreement, and it has become extraordinarily difficult for me who am connected with those negotiations to find time for visitors who are here for this specific purpose, if as today I have to be in the House and if I cannot get a day off when I can be free to deal with them. I am placing this quite frankly before the House and I must leave it at that

Mr. N. M. Joshi (Nominated Non-Official) May I suggest that this motion be taken on the next official day? I have no doubt that the House will take it then into consideration

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member has given his reason why he wants it to be taken up today

Mr. N. M. Joshi: Our reason is that we are not prepared to do so.

Mr. President (The Honourable Sir Abdur Rahim) If it is the general desire of the House that the consideration of the Bill should not be taken up today, I will let it stand over to the next official day. Is that the general desire of the House?

Honourable Members: Yes

Honourable Members: No

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) I wish only to add that the Bill, apart from being published in the Gazette, has already been circulated to Honourable Members simultaneously with its publication in the Gazette

Mr. President (The Honourable Sir Abdur Rahim) Apparently, Members have not had time to consider the Bill, this being the first day of the Session. I think it will be better to take this up on the next official day.

The Honourable Sir Muhammad Zafrullah Khan: I may inform the House that on Friday, the 14th, after the disposal of any official business that may be set down for disposal on that day, the House will be invited to discuss the documents laid on the table this morning by the Secretary, Education, Health and Lands Department, relating to Indians in Ceylon.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 12th February, 1941

LEGISLATIVE ASSEMBLY

Wednesday, 12th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

†17 & 18*.

‡19*.

†20*.

TRAINING CENTRES FOR ARTIZANS

21. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Labour Member please state which are the training centres at which training is provided for artizans?

(b) Have Government made any arrangements to recruit trained mistries for the factories?

(c) What steps have they taken in this direction?

Mr. Saiyid Hasan Zahoor: (a) A list of technical institutions and training centres selected for training purposes up to 10th February is laid on the Table. The list is being added to from day to day

(b) and (c) Yes. The National Service (Technical Personnel) Ordinance, 1940, provides for the recruitment of skilled Labour to factories engaged on work of national importance and is administered by the National Service Labour Tribunals constituted for the different Provinces. As a general rule the National Service Labour Tribunals consist of the Labour Commissioner of the Province concerned or an officer of corresponding status who is Chairman, representatives of the Railways, the Technical Recruiting Organisation of the Defence Department and where available a representative of Ordnance Factories. A copy of the Ordinance together

† These questions have been postponed to be answered on the 17th March, 1941

‡ This question was not asked by the questioner

with the National Service (Technical Personnel) Rules will be found in the Library of the House

Technical Training Scheme

Technical institutions and training centres selected for training purposes up to 10th February, 1941

- 1 The Punjab College of Engineering and Technology, *Lahore*
- 2 The Government Technical School, *Lahore*
- 3 The Government Technical Institute, *Lucknow*
- 4 The Victoria Jubilee Technical Institute, *Bombay*
- 5 The Government Engineering School, *Vagpur*
- 6 The Government Technical Institute, *Gorakhpur*
- 7 The Ahsanulla School of Engineering, *Dacca*
- 8 The Bihar College of Engineering, *Patna*
- 9 The College of Engineering, *Bangalore*
- 10 The East India Railway Workshop, *Lillooah*
- 11 The College of Engineering, *Guindy, Madras*
- 12 The Orissa School of Engineering, *Cuttack*
- 13 The Engineering College, *Muslim University, Aligarh*
- 14 The Benares Hindu University Engineering College, *Benares*
- 15 The Government School of Handicrafts, *Akola*
- 16 The Bengal Engineering College, *Sibpur*
- 17 The Jamshedpur Technical Institute, *Jamshedpur*
- 18 The Engineering College, *Poona*
- 19 The Indian Institute of Science, *Bangalore*
- 20 The Calcutta Engineering College, *Ballygunge*
- 21 The District Board Technical School, *Burdwan*
- 22 The Great Indian Peninsular Railway Workshop, *Matunga*
- 23 The Great Indian Peninsular Railway Workshop, *Parel*
- 24 The Great Indian Peninsular Railway Workshop, *Parel, Head Office*
- 25 The Hyderabad Technical Training Centre
- 26 The Technical College, *Dayalbagh, Agra*
- 27 The Government Technical School, *Barisal*
- 28 The Tirhut Technical Institute, *Muzaffarpur*
- 29 The Eastern Bengal Railway Workshop, *Kanchrapara*
- 30 The Eastern Bengal Railway Head Office, *Calcutta*
- 31 The Ramakrishna Mission Industrial School, *Mylapore/Madras*
- 32 The C N Industrial School, *Ahmedabad*
- 33 The Bombay Government Industrial Training Workshop, *Ahmedabad*
- 34 The P S G and Sons, Charity Industrial Institute, *Prelamedu/Coimbatore*
- 35 St Joseph's Industrial School, *Coimbatore*
- 36 His Royal Highness the Prince of Wales Technical School and Public Works Department Workshops, *Jorhat, Assam*
- 37 Don Bosco Industrial Technical School, *Shillong, Assam*
- 38 The Abdulla Fazalbhoy Technical Institute, *Bombay*
- 39 Moberly Technical Institute, *Hoogly*
- 40 Sarma Valley Technical School, *Sylhet, Assam*
- 41 National Electric Works, *Coimbatore*
- 42 Imperial Works, Mount Road, of Messrs P Orr & Sons, Ltd, *Madras*
- 43 The Parsi Technical and Industrial Institute, *Surat*

- 44 The College of Engineering and Technology, *Jadavpur*
- 45 The Coronation Technical School, *Khulna*
- 46 K K Technical School, *Mymensingh*
- 47 The Balasore Technical School, *Balasore*
- 48 The Bengal Nagpur Railway Workshop, *Kharagpur*
- 49 The East Indian Railway Workshop, *Jamalpur*
- 50 The East Indian Railway Workshop, *Charbagh, U P*
- 51 The East Indian Railway Workshop, *Alambagh, U P*
- 52 The East Indian Railway Workshop, *Head Office, Calcutta*
- 53 The East Indian Railway Plant, Depot, *Moghalsera*

Mr. N. M. Joshi: May I know, Sir, what is the function of the National Service Tribunals?

Mr. Saiyid Hasan Zaheer: I am afraid I cannot answer it without notice

Dr. Sir Ziauddin Ahmad: Can the Honourable Member tell us approximately the number of mistries who have been recruited already by this Body?

Mr. Saiyid Hasan Zaheer: I am afraid I must ask for notice again

Mr. N. M. Joshi: Is there nobody on the Government side who can tell me what the National Service Tribunal is? Is there so much ignorance on the Government side?

(No reply)

Dr. Sir Ziauddin Ahmad: I have been authorised by Dr. Rahman to put his question

OFFICERS IN THE OFFICE OF THE DIRECTOR OF CONTRACTS GIVEN MILITARY RANK

22. *Dr. Sir Ziauddin Ahmad (on behalf of Dr. Habibur Rahman). Will the Honourable the Leader of the House please state whether it is a fact that every officer appointed in the office of the Director of Contracts is given a military rank?

The Honourable Sir Muhammad Zafrullah Khan: Yes, with the exception only of those appointed as Officer Supervisors

PROMOTIONS OF MILITARY RANK OFFICERS IN THE OFFICE OF THE DIRECTOR OF CONTRACTS.

23. *Dr. Sir Ziauddin Ahmad (on behalf of Dr. Habibur Rahman)
(a) Will the Honourable the Leader of the House be pleased to state whether it is not a fact that promotions are given to such military rank officers much more quickly than they are given in the regular army?

(b) Is it not a fact that salaries are given on the scale of the salary of military officers of equivalent rank?

(c) Is it not a fact that the salaries given to persons having Indian names for the same work and in the same rank are less than the salaries given to persons having European names?

The Honourable Sir Muhammad Zafrullah Khan: I presume the Honourable Member is referring to promotions and salaries in the Contracts Directorate

(a) No Staff appointments carry certain ranks and if an officer of lower rank is appointed to hold such an appointment, he receives temporary promotion to the higher rank laid down for the post. This principle applies to emergency commissioned as well as to regular officers, throughout the Army in India

(b) Yes, in so far as emergency commissioned officers of His Majesty's Indian Land Forces are concerned. The pay and allowances of emergency commissioned officers of the Land Forces (Indian Army) are lower than those of regular officers (whether British or Indian) holding a permanent commission in the Land Forces (Indian Army)

(c) European British subjects are eligible for Emergency Commissions in His Majesty's Land Forces, and Indians in His Majesty's *Indian Land Forces*. According to the existing rules, which are, of course, applicable throughout the Army in India, the pay and allowances admissible to officers of the former category are higher than those admissible to officers of the latter category, who are serving in their own country

Dr. Sir Ziauddin Ahmad: Can the Honourable Member show the necessity for giving military ranks to persons appointed in the Directorate of Supplies, persons who are directly under the Supply Department?

The Honourable Sir Muhammad Zafrullah Khan: That question does not arise out of this question. It might have arisen out of the previous

Mr. Lalchand Navairai: With regard to part (c), the Honourable Member said that there is a difference in salaries paid to Europeans and Indians, and that there were rules providing for that discrimination. May I know who made those rules, and whether those rules cannot be modified?

The Honourable Sir Muhammad Zafrullah Khan: The answer to the first part is, I presume, the Government of India, the answer to the second part is there is nothing in this world that cannot be modified

Mr. Lalchand Navairai: Why was not this distinction removed when making new appointments?

The Honourable Sir Muhammad Zafrullah Khan: How could you remove a distinction with regard to fresh appointments? Fresh appointments had to be made in accordance with the rules already in force

Maulana Zafar Ali Khan: May I know, Sir, why this invidious distinction between Europeans and Indians is still kept up?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether the distinction is invidious, but the Honourable Member is aware that in regard to certain services the pay of European entrants into the services is higher than the pay of Indian entrants. That is a question which has often been debated in this House before.

Maulana Zafar Ali Khan: Why should it be higher?

The Honourable Sir Muhammad Zafrullah Khan: I cannot start a debate on this question in answer to supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member cannot have a debate.

Mr. M. S. Aney: In view of the reply of the Honourable Member that there is nothing in this world which cannot be modified, does he propose to make the necessary modifications in these rules in the near future?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. M. S. Aney: Why not?

The Honourable Sir Muhammad Zafrullah Khan: Because the reasons for which the distinction was made still hold.

Dr. Sir Ziauddin Ahmad: May I know, Sir, if Anglo-Indians and Eurasians who are classified as Indians are included in the category of Europeans as far as this rule is concerned?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to answer that without notice.

Dr. Sir Ziauddin Ahmad: You want notice even to answer this question?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. Lalchand Navalrai: Is this distinction observed even in the case of Indians who have the same qualifications as those possessed by Europeans?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, this is part of a very large question of policy which has often been discussed on the floor of this House during debates, and I certainly cannot be expected to initiate a debate during question hour on this matter.

Dr. Sir Ziauddin Ahmad: I take it that the Honourable Member has understood the question itself, therefore, may I know what is the connotation of the word 'European'?

The Honourable Sir Muhammad Zafrullah Khan: I imagine the ordinary connotation of the word "European" would not include Anglo-Indians, but he has put a very specific question, and I would like to look into the matter and see whether the distinction holds good in this case or not.

Maulana Zafar Ali Khan: The policy has been laid down by the British Government that there can be no distinction between Europeans and Indians, and that both will be treated on the same level?

The Honourable Sir Muhammad Zafrullah Khan: That does not arise

Dr. Sir Ziauddin Ahmad: We are all willing to give concessions to Britishers, but not to all Europeans who include Germans and French people also. Why should such concessions be extended to them?

The Honourable Sir Muhammad Zafrullah Khan: No, German or French people are given these concessions

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member say why is it that 25 per cent of posts are reserved for Muslims?

(No reply)

RECRUITMENT OF MR TEAL OF THE PUNJAB PROVINCIAL SERVICE AS A MILITARY RANK OFFICER

24. ***Dr. Sir Ziauddin Ahmad** (on behalf of Dr. Habibul Rahman) (a) Will the Honourable the Leader of the House please state whether it is not a fact that Mr Teal of the Punjab Provincial Service was recruited on 26th September, 1939, and was given the rank of a Staff Captain and a salary of Rs 1,000?

(b) Is it a fact that he was promoted to the rank of Major on 2nd July, 1940, and made Lieutenant-Colonel on the 1st December, 1940, on a salary of Rs 2,000?

(c) Did Mr Teal of the Punjab Provincial Service ever receive any training at the Sandhurst College?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, except that his salary as Staff Captain was Rs 1,255 per mensem

(b) Captain Teal was promoted to the acting rank of Major on the 2nd July, 1940, on his appointment as Deputy Assistant Director of Contracts. The salary of this appointment is Rs 1,530 per mensem. He was given the rank of Lieutenant-Colonel from the 4th November, 1940 to the 9th January, 1941, to officiate as Assistant Director of Contracts. This appointment carries a pay of Rs 2,045 per mensem and the rank of Lieutenant-Colonel. He has now reverted to the rank of Major and the appointment of Deputy Assistant Director of Contracts

(c) No

Dr. Sir Ziauddin Ahmad: May I know whether a person holding the rank of a Colonel should know how to handle a rifle?

(No reply)

Dr. Sir Ziauddin Ahmad: Is it not a fact that according to this innovation introduced here, a Captain can become a Colonel in two years?

The Honourable Sir Muhammad Zafrullah Khan: It may be possible

Sardar Sant Singh: May I know if there is any qualification in Mr Teal or any training that he has undergone, which qualifies him to join the military service?

The Honourable Sir Muhammad Zafrullah Khan: This is a service with military ranks but its duties are not those of the ordinary military service.

Sardar Sant Singh: May I know if he is a civilian, and, if so, may I know the reason why civilian ranks are not attached to these posts?

The Honourable Sir Muhammad Zafrullah Khan: I do not understand the Honourable Member.

Sardar Sant Singh: My question was why military ranks are given to those persons who are not doing military work and you are creating financial scandals of the first magnitude in the promotions which have been disclosed in this question.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will make his question more specific I will try to answer him.

Maulvi Abdur Rasheed Chaudhury: May I know whether Lieutenant Colonel Teal received his rapid promotion due to any distinction attained by him in active service?

The Honourable Sir Muhammad Zafrullah Khan: In the first place, I have explained that Major Teal has reverted to the rank of Major and that his appointment as Lieutenant-Colonel was only for a short period. In the second place, the difficulty with regard to officers in this cadre is that the cadre is a very small one, and as a good deal of expansion has taken place, naturally people who were actually working in the department have in some instances—I believe they are not large but there are instances—received rapid promotion.

Sardar Sant Singh: May I know if there is any instance in which an Indian has been appointed to one of these posts and has received so rapid a promotion as Mr Teal has done?

The Honourable Sir Muhammad Zafrullah Khan: That I would require notice of.

Dr. Sir Ziauddin Ahmad: May I know whether any real Colonel has ever protested against such appointment for including within their sacred category persons who do not know even to handle a rifle?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to follow the question.

Dr. Sir Ziauddin Ahmad: I should like to know whether any *bona fide* Colonel with C has ever protested against the inclusion of persons who do not know how to handle a rifle in that sacred category.

The Honourable Sir Muhammad Zafrullah Khan: What has the handling of rifles to do with this question?

Dr. Sir Ziauddin Ahmad: The Honourable Member is also the President of the War Board and should know what Colonels do. I cannot understand this mentality of appointing a person as a Colonel who has never handled a rifle.

Sardar Sant Singh: May I know if the Government of India do not regard such scandalous promotions as exploitation of the Indian taxpayers' money in the name of the war?

The Honourable Sir Muhammad Zafrullah Khan: I do not admit that there have been scandalous promotions.

Mr. Lalchand Navalrai: The Honourable Member said that there have been precedents of that nature, of quick promotions. Does the Honourable Member remember even one instance before?

The Honourable Sir Muhammad Zafrullah Khan: I have not followed the Honourable Member.

Mr. Lalchand Navalrai: The Honourable Member said that there have been precedents in which officers have got such quick promotions.

The Honourable Sir Muhammad Zafrullah Khan: I have not said that.

Mr. Lalchand Navalrai: The Honourable Member I thought said that there have been some instances of such people, and I wanted to know what is that instance. Can the Honourable Member quote any instance?

The Honourable Sir Muhammad Zafrullah Khan: I informed the House some time ago that so long as the Directorate of Contracts was part of the Defence Department no Indians were recruited to this Directorate. Indians have been recruited only since the Directorate of Contracts became part of the Supply Department.

Mr. N. M. Joshi: May I know if the Advisory Committee attached to this department was consulted as regards this appointment and the officer's subsequent promotion?

The Honourable Sir Muhammad Zafrullah Khan: In the first place, the Advisory Committee was not in existence then, and in the second place, the Advisory Committee is not consulted with regard to actual appointments and promotions.

Sardar Sant Singh: Will the Honourable Member take steps that in future the war is not used as a pretext for exploitation of Indian taxpayers' money?

The Honourable Sir Muhammad Zafrullah Khan: I have already taken steps so far as the matter concerns me.

Mr. President (The Honourable Sir Abdur Rahim) Next question

RECRUITMENT OF MR. ADDISON AS A MILITARY RANK OFFICER.

25. *Dr. Sir Ziauddin Ahmad (on behalf of Dr Habibur Rahman) Will the Honourable the Leader of the House please state whether it is not a fact that Mr Addison was recruited as officiating Staff Captain on 13th April, 1939, on a salary of Rs 1,090, was promoted as Major on the 3rd September, 1939, and was made Lieutenant-Colonel on Rs 2,000 soon after?

The Honourable Sir Muhammad Zafrullah Khan: Lieut.-Colonel L J L Addison, Royal Indian Army Service Corps, is a regular Army Officer. He was appointed as Officiating Staff Captain in the Contracts Directorate on Rs 1,255 per mensem with effect from the 6th April, 1939, and was promoted to the rank of Temporary Major with effect from 3rd September, 1939, on his appointment as Deputy Assistant Director of Contracts. He was advanced to the rank of acting Lieutenant-Colonel from the 5th August, 1940, on his appointment as Assistant Director of Contracts and given a salary of Rs 2,130 per mensem. The post of Assistant Director of Contracts carries the rank of a Lieut.-Colonel and his salary was fixed in accordance with the rules applicable to Royal Indian Army Service Corps officers.

Dr. Sir Ziauddin Ahmad: In view of the fact that all these appointments and promotions were sanctioned by the Honourable Member himself, may I know whether Government have given him power to create majors, colonels and so on?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I am unable to understand the question.

Dr. Sir Ziauddin Ahmad: Here there are promotions in the ranks of the army. Since these ranks are sanctioned by the Honourable Member himself, I should like to know whether the Army Department have authorised him to create colonels, majors, captains and so on?

The Honourable Sir Muhammad Zafrullah Khan: I still do not follow the question.

Mr. N. M. Joshi: May I ask whether the Government of India propose to consult the Advisory Committee as regards the salaries to be paid, though not as regards the actual appointments, in this department?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir. But I am quite willing that the Standing Finance Committee, if they so desire, may carry out a scrutiny of salaries in the Directorate of Contracts as they carry out in the case of the Supply Department.

Dr. Sir Ziauddin Ahmad: This question discloses the fact that the Honourable Member has got the right to create colonels, majors, captains and so on. Will he confer this title on some of the Members of the Assembly? (Laughter)

Mr. N. M. Joshi: We do not want these titles.

Lieut.-Colonel Sir Henry Gidney: Is it a fact that when a civilian is appointed to an office in the military department he is granted a military rank for purposes of discipline and gradation, and that is why people who are in the civil are given military ranks?

Mr. President (The Honourable Sir Abdur Rahim) That is not a question Next question

PERSONS RECRUITED AS SECOND LIEUTENANTS

26 *Dr. Sir Ziauddin Ahmad (on behalf of Dr. Habibur Rahman) (a) Will the Honourable the Leader of the House be pleased to state the number of persons who were recruited as Second Lieutenants on Rs 600 in 1940 and who were promoted to the rank of Staff Captains within a few months on Rs 1,000?

(b) Is it not a fact that all the six persons so recruited held no job at the time of their appointment? If not, will the Honourable Member be pleased to state the nature of the job each of these officers held at the time of recruitment?

The Honourable Sir Muhammad Zafrullah Khan: (i) Presumably the Honourable Member is referring to European officers only. In 1940 three such officers were recruited for appointment as Staff Captains in the Contracts Directorate but in accordance with the usual procedure were given the initial rank of Second Lieutenants while on probation. The normal period of probation is three months.

(b) No. One of them was employed as Manager in India of Quaker Oats, Co., on a salary of Rs 1,500 per mensem. The second was the Manager, Paint Department, Spencer & Co., Ltd., Bombay, on a salary of Rs 600 per mensem plus free car and provisions at cost price. The third was the Production Manager of two flour mills and one oil mill drawing a salary of nearly Rs 1,200 a month.

APPOINTMENTS AND PROMOTIONS OF OFFICERS IN THE SUPPLY DEPARTMENT AND THE OFFICE OF THE DIRECTOR OF CONTRACTS

27. *Dr. Habibur Rahman: (a) Will the Honourable the Leader of the House please state whether appointments and promotions of officers in the Supply Department and the office of the Director of Contracts are made with his knowledge and permission?

(b) Was the sanction of the Finance Department obtained?

(c) Did the expenditure on the newly created posts receive the approval of the Standing Finance Committee?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) Yes, where necessary under the Rules.

(c) No, as approval was unnecessary.

REPORT BY DR T E GREGORY AND SIR DAVID MEEK

28. *Mr. Govind V. Deshmukh: (a) Will the Honourable the Commerce Member please state if Doctor T E Gregory and Sir David Meek who had gone to the United States of America on a trade mission, have submitted any joint or separate reports?

+Answer to this question laid on the table, the questioner having exhausted his quota

(b) Have Government considered these reports and come to any definite conclusions? If so, what are those conclusions?

(c) Are Government prepared to lay these reports on the table of the House?

(d) What was the cost incurred by Government in connection with this trade mission?

Mr. T. S. S. Pillay: (a) Dr T E Gregory and Sir David Meek have submitted a joint report

(b) The Report is still under consideration. Action, however, has been taken on information contained in certain parts of the Report. The market for mica and manganese in the United States consequent on the Government of that country building up stock piles has been taken advantage of for increased export of these materials. The attention of the Indian Lac Cess Committee has been drawn to the observations in the Report on the subject of lac. Similarly, the attention of the Coffee Cess Committee has been drawn to the observations on coffee.

(c) Copies of the Report are available in the Library.

(d) Exact information is not yet available but approximately the cost was in the neighbourhood of Rs 45,000.

Mr. Govind V. Deshmukh: My Honourable friend referred to certain actions taken. What are the actions taken?

Mr. T. S. S. Pillay: I have read out the action that has been taken on information contained in certain parts of the report.

Sardar Sant Singh: May I know if it was not possible for these gentlemen to do the same job by remaining in India without going to America? What have they done by going to America? I want to know that.

Mr. T. S. S. Pillay: No, Sir.

Mr. M. S. Aney: What is the meaning of certain action on certain recommendations? What are those recommendations and what was the action? That is what the Honourable Member wants to know.

Mr. T. S. S. Pillay: Copies of the report are in the Library of the House. I have already referred to two or three points on which action has been taken.

Mr. M. S. Aney: Are those the only points on which action has been taken? None else?

Mr. T. S. S. Pillay: I have already said that the report is still under consideration. We have taken action on some and are still considering the other recommendations.

Mr. M. S. Aney: I am not sure whether the Honourable Member means that the action taken is only with regard to those points specifically mentioned in this reply, namely, coffee, and so on and on. No other recommendations?

Mr. T. S. S. Pillay: No, it is under consideration.

Mr. N. M. Joshi: May I know if copies of the report will be circulated to the Members?

Mr. T. S. S. Pillay: I shall have that suggestion considered

Dr. Sir Ziauddin Ahmad: Can the Honourable gentleman point out any passage in the report which a journalist or a student of Economics could not write by sitting in the Library of the Assembly?

Mr. T. S. S. Pillay: Several

WAR MATERIALS ORDERED FROM THE CENTRAL PROVINCES AND BERAR

29. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state

- (a) if any supply of war materials was ordered from the Central Provinces and Berar, if so, what the nature, quantity and value of the materials supplied was and from which places in these Provinces were such materials supplied, and
- (b) in case no such materials were supplied by the Provinces mentioned above, the reasons why such articles were not supplied?

The Honourable Sir Muhammad Zaftrullah Khan: I place on the table a statement giving the necessary information

Statement showing stores purchased in C P and Berar for War requirements during the period 1-9-39 to 31-12-40

Station	Description of Stores	Quantity	Value
1 Nagpur	Cloth, Sheetting	1,09,700 Yds	36,800
	" Dusuti	33,448 "	10,805
	" Twill	9,45,100 "	2,23,800
	" Cotton Grey	1,600 "	403
	Calico	29,000 "	8,000
	Bandage cloth	1,54,100 "	28,900
	Towelling Cloth	17,900 "	6,000
	Pagri Cloth	17,50,488 "	4,81,865
	Jean, Khaki	40,000 "	12,000
	Cloth, Sheetting	1,10,500 "	81,800
	Cambric Cotton	42,520 "	18,400
	Cellular Shirting	11,98,000 "	5,04,000
	Netting Mosquito	3,50,000 "	78,385
	Sheets, hospital	60,000 Nos	1,20,000
2 Rajnandgaon	Netting Mosquito	1,51,400 Yds	99,125
3 Burhanpur	Towels	52,000 Nos	19,500
	Twill Cotton	66,900 Yds	18,816
	Dusuti Cotton	67,600 "	22,145
	Netting Mosquito	2,50,000 "	61,198
	Gauze absorbent	7,60,000 "	38,281
4 Nagpur	Handloom blankets	4,100 Nos	28,663
5 Jubbulpore	Fire Bricks	4,134 Nos	3,500
Do	Plates Earthenware	9 "	35
6 Raipur	Oil Linseed Boiled	2,400 Galls	3,000
7 Nagpur	Tent Pins Wood	70,000 Nos	4,000
8 Nagpur	Dhawa Leaf	3,200 Cwts	13,400
9 Saugor	Oil Cake	3,000 Mds.	5,300
10 Katni	Quicklime	10 Tons	400
11 Bhatapara	Rice	220 "	29,700
Total Rs			19,58,021

In addition to the above, quantities of lime, anhydrous and air slaked, and rice and myrabolans were purchased from firms in Bombay but supplies actually came from the Central Provinces and Berar, 5,204 tons of rice valued at Rs 6,12,000 and timber and Balhis valued at Rs 7,71,464 were also purchased from the province during the same period

**DEVELOPMENT OF RESOURCES IN THE CENTRAL PROVINCES AND BERAR
FOR SUPPLYING WAR REQUIREMENTS**

30. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state:

- (a) what resources in the Central Provinces and Berar are, or, can be developed to meet war supply requirements, and
- (b) the steps taken by Government for the development of the resources in the above mentioned Provinces to meet war supply requirements?

The Honourable Sir Muhammad Zafrullah Khan: (a) The resources of the Central Provinces and Berar which can be developed to meet war supply requirements are many. The principal commodities are timber and manganese.

(b) The available timber resources in the Central Provinces and Berar are being exploited to the fullest extent, and the textile manufacturing capacity of the province is also being used. But there are ample supplies of manganese and no further development is considered necessary.

**COTTAGE INDUSTRIES IN THE CENTRAL PROVINCES AND BERAR ASKED TO
SUPPLY WAR REQUIREMENTS**

31. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state which cottage industries in the Central Provinces and Berar were asked to supply war requirements in the year 1940? Were these supplied? If so, of what value?

The Honourable Sir Muhammad Zafrullah Khan: Orders for 4,100 Handloom blankets of the value of Rs 28,668 were placed by the Indian Stores Department with the Director of Industries, Central Provinces and Berar, and have been complied with.

Dr. Sir Ziauddin Ahmad: May I know whether the question of the development of cottage industries was ever discussed by the Supply Department or the Eastern Group Conference?

The Honourable Sir Muhammad Zafrullah Khan: That does not arise.

Dr. Sir Ziauddin Ahmad: It does arise. This question raises the subject of cottage industries in connection with war supply.

WAR MATERIALS SUPPLIED BY PROVINCES

32. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state what kinds of materials and of what values were supplied by the different Provinces to meet war requirements during the year 1940?

The Honourable Sir Muhammad Zafrullah Khan: The value of orders placed by the Indian Stores Department and Contracts Directorate from the 1st September, 1939, to 31st December, 1940, amounted to approximately 76½ crores of rupees. The commodities were so numerous and the number of firms etc., so large that the compilation of details of purchases by items from different provinces in India would in Government's opinion take more time than is warranted.

Mr. Govind V. Deshmukh: I want to know what are the main items of the war supplies from the different provinces?

The Honourable Sir Muhammad Zafrullah Khan: That will entail a great deal of labour on the department which is already overworked

†33*.

REPORT OF THE STANDING COMMITTEE FOR THE SUPPLY DEPARTMENT

34. *Mr. Lalchand Navalrai: (a) Will the Honourable the Leader of the House be pleased to state if the Standing Committee attached to the Department of Supply made any report on the working of the department, appointments of officers and their excessive salaries and such kindred matters? If so, will the Honourable Member place it on the table?

(b) Were any irregularities or excesses pointed out? If so, what steps have Government taken with respect to them?

(c) Will the Honourable Member please state how many times and when this Standing Committee met since it was set up?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member has apparently misunderstood the functions of the Standing Committees. I would draw his attention to the Home Department Notification No F-49, dated the 22nd August, 1922, as amended by Home Department Notification No D 794-C, dated the 30th January, 1924, a copy of which is in the Library of the House

(b) Does not arise

(c) The Committee has met twice. The first meeting took place at New Delhi on the 1st December, 1940, and the second meeting at Calcutta on the 31st January, 1941

Mr. Lalchand Navalrai: May I know from the Honourable Member if he means that the question of excessive salaries and quick promotions are not to be considered by the Standing Committee?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir

CHEMICAL EXAMINATION OF SAMPLES OF FOODSTUFFS SENT TO THE SUPPLY DEPARTMENT

35. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Leader of the House please state whether it is a fact that samples of all foodstuffs sent by contractors to the Supply Department (Director of Contracts) are sent to Kasauli for chemical examination?

(b) Does the Department keep a record of the dates on which samples are sent to Kasauli and the dates on which chemical examination results are communicated to the department?

(c) What is the normal time which chemical examinations at Kasauli take in examining the samples?

† This question has been postponed to be answered on the 26th February, 1941

(d) Are Government aware that some merchants do not get the chemical results of their samples for a long time sometimes extending to a year?

(e) Are Government prepared to introduce a system by which the results of chemical examination may ordinarily be obtained in a fortnight?

(f) Are Government prepared to introduce a system by which the names of the contractors are not written on the samples sent for chemical examination?

(g) In case the contractors are not satisfied with the examination of the chemists at Kasauli, are Government prepared to arrange a re-examination of the samples by an independent chemist attached to the Imperial Council of Agricultural Research, or by any other chemists?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Officer-in-Charge, Military Food Laboratory, Kasauli, is the analyst for all foodstuffs purchased for the Defence Services of India. Under instructions from the purchasing officer tender and bulk supply samples are sent to Kasauli direct by contractors. They are not sent through the Contracts Directorate.

(b) No special record is maintained but such information is available from the Contracts Directorate's files.

(c) The average time of examination of samples and submission of report is 48 hours.

(d) Government are not aware of any such case.

(e) Under the present system results and reports are ordinarily available long before the expiry of a fortnight.

(f) No.

(g) No. Government do not consider this necessary.

Dr. Sir Ziauddin Ahmad: Will the Honourable Member make inquiries? In some cases they do not send the results for several months.

The Honourable Sir Muhammad Zafrullah Khan: I have already answered that. That was the specific question put by the Honourable Member.

Maulana Zafar Ali Khan: May I know whether it would not be desirable to keep a record of the dates on which samples are sent to Kasauli and the results are announced?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether that is really necessary.

THE LIAISON OFFICER FOR THE TANNERS OF MADRAS.

36. *Dr. Sir Ziauddin Ahmad: (a) Is the Honourable the Leader of the House aware that the Liaison Officer approached the tanners of Madras to support him?

(b) Is he aware of the fact that the tanners of Madras refused to recognise him, and they said that they wanted no Liaison Officer?

(c) Did the tanners of Madras approach the Honourable the Commerce Member and protest against such appointment?

(d) Is the Liaison Officer permitted to take the contracts of Supply Department himself or for his own firms?

(e) Is the Liaison Officer permitted to act as a middle-man, and purchase articles at lower prices?

(f) If the answer to part (e) be in the negative, are Government aware that the Liaison Officer approached the tanners in Madras for the purchase of tanned leather and other articles?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c), (e) and (f) No

(d) No Business with Messrs Cooper Allen & Co., of which the Liaison Officer is a member, is conducted on the normal business lines in accordance with Government procedure

Dr. Sir Ziauddin Ahmad: What was the answer to (c)?

The Honourable Sir Muhammad Zafrullah Khan: "No"

Dr. Sir Ziauddin Ahmad: Did the Honourable Member make enquiries of his colleague? I know that a definite protest was made against the appointment

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member may assume that all necessary inquiries which are desirable for supplying an answer to the House are made in respect of all questions and that they were made in respect of this question

Dr. Sir Ziauddin Ahmad: The point I raised in this question was that a protest was made by the tanners of Madras and they also sent a protest to the Supply Department. They also protested to the Commerce Member when he visited Madras

The Honourable Sir Muhammad Zafrullah Khan: That was what the Honourable Member said and I said that that did not happen

Dr. Sir Ziauddin Ahmad: The Honourable Member does not know about his department?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has no business to make a statement of that kind

Mr. President (The Honourable Sir Abdur Rahim) What was the remark made by the Honourable Member?

Dr. Sir Ziauddin Ahmad: I said that the Honourable Member did not know this particular thing.

Mr. President (The Honourable Sir Abdur Rahim) He has given his answer

REPORTS BY THE PROVINCIAL DIRECTORS OF SUPPLIES

37. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Leader of the House please state whether the Provincial Directors of Supplies present periodical reports to the Government about their work and particularly the steps they have taken to encourage industries? If not, why not?

(b) Are these Provincial Advisers expected to meet tradesmen and manufacturers to encourage the supply of the articles for war purposes?

(c) Are these Controllers of Supplies expected to have business instinct?

(d) Are Government aware that some of these Controllers consider themselves to be the lords of businessmen and manufacturers who should periodically go and *salam* the Controllers?

The Honourable Sir Muhammad Zafrullah Khan: (a) Presumably the Honourable Member is referring to the Controllers of Supplies. As these Controllers are working in close contact with the Headquarters, it has not been felt necessary to ask them to submit any periodical reports.

(b) Yes, whenever they find it necessary for the proper discharge of their duties.

(c) I am afraid this part of the question is too vague to admit of a categorical reply.

(d) No.

OFFICERS APPOINTED AS THE HEADS OF SECTIONS OF THE SUPPLY DEPARTMENT

38. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House be pleased to state

(a) the number of officers appointed at the heads of the various sections of the Supply Department,

(b) if all the heads of the departments are recruited from the Army, and

(c) if some officers have been recruited from merchant offices of Calcutta, Bombay and Madras, who are suppliers to the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: I propose, Sir, to deal with Questions Nos. 38 and 39 together.

The questions asked by the Honourable Member are not sufficiently definite for the collection of information. If he will put fresh questions stating precisely what information he wants, I will do my best to supply it.

INSPECTING AND SUPERVISING STAFF IN THE TECHNICAL BRANCH OF THE SUPPLY DEPARTMENT

+39. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House please state how many hands have been taken in the technical branch of the Supply Department as inspecting and supervising staff, and if all of them are technically fit for the work they are entrusted with?

SUPPLIES MANUFACTURED IN INDIA AND ABROAD

40. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House please state whether the major portion of supplies are manufactured in India? If so, will the Honourable Member be pleased to lay on the table a statement regarding their supplies manufactured in India and in countries outside India?

† For answer to this question, see answer to question No. 38.

The Honourable Sir Muhammad Zafrullah Khan: The bulk of the stores purchased by the Purchasing Combinations under the control of the Department of Supply is of Indian manufacture. In the opinion of Government, the preparation of a statement showing the items manufactured in India and imported from abroad would involve more time and labour than is warranted.

CASES FILED AND TRIED IN THE FEDERAL COURT

41. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House be pleased to state

- (a) how many cases have been filed and tried in the Federal Court since its inception, and
- (b) if any decisions have been given by the Federal Court in disputes between the States and the British Government in India or between Provincial Governments, if so, whether he will place on the table of the House a statement showing the cases in detail?

The Honourable Sir Muhammad Zafrullah Khan: (a) 24 cases have been filed in the Federal Court since its inception, of which 22 have been heard and two withdrawn. It is understood that other cases are pending in which certificates under section 205 (1) of the Government of India Act have already been given by High Courts.

(b) No disputes of the kind referred to by the Honourable Member have, so far, come before the Federal Court for decision, but decisions have been given by the Court in two cases where there was difference of opinion between the Government of India and Provincial Governments, namely, the Central Provinces and Bihar Petrol Tax Case and the United Provinces Cantonments Tax Case.

Mr N. M. Joshi: May I know whether the Federal Court makes an annual report of its work and whether that annual report is published?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to answer that without notice.

ANNUAL COST OF MAINTAINING THE FEDERAL COURT

42. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Leader of the House please state what has been the actual annual cost of maintaining the Federal Court since its inception?

The Honourable Sir Muhammad Zafrullah Khan: I lay on the table a statement giving the information asked for.

Statement showing the annual cost of the maintenance of the Federal Court since its inception

Year	Cost	
	Rs	
1937-38	1,19,501	} Actual cost.
1938-39	2,27,000	
1939-40	2,41,686	
1940-41	2,68,000	Budget estimate

UNSTARRED QUESTIONS AND ANSWERS

ORDER OF THE CONTROLLER OF PRINTING AND STATIONERY MODIFYING LEAVE ADMISSIBLE TO PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESSES

1. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is not a fact that Resolution No. F 119-12/1/28, dated the 8th September, 1928, of the Government of India (Finance Department) stated that the piece-workers in the Government of India Presses are allowed leave for 15 days, 23 days and 31 days in the year in accordance with the length of their service?

(b) Is it not a fact that the above resolution in clause (c) states Gazetted holidays actually enjoyed may, at the option of the piece-worker, be counted against any leave admissible to him under sub-rule (a) and if so counted, will be paid for?

(c) Is it a fact that an order has recently been passed by the Controller of Printing and Stationery that gazetted holidays should not be counted against any leave admissible to a piece-worker under sub-rule (a)?

(d) If the reply to parts (b) and (c) be in the affirmative, will Government be pleased to state the reason therefor and also the date of the modification?

(e) Is it not a fact that the Controller of Printing and Stationery has no power to modify the orders of the Finance Department of the Government of India?

(f) Is it not a fact that every modification in the Government of India's order is to be published in the *Gazette of India*?

(g) If the reply to part (f) be in the affirmative, will Government be pleased to state in which issue of the *Gazette* it was published?

(h) If the reply to part (e) be in the affirmative, will Government be pleased to state how the Controller of Printing and Stationery was authorised to give such an order?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) and (b) Permanent piece-workers are allowed leave as stated by the Honourable Member

(c) No

(d) to (h) Do not arise

PROMOTIONS OF THE PIECE-EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND DELHI

2. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is not a fact that the Handbook of the Government of India Press at Calcutta in 1926 shows as follows

Class	Number
16	12
17	8
18	4
19	4
20	4
21	2
22	2
23	2
24	1
25	1

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the number of employees in the said classes promoted to higher classes in the last three years?

(c) Is it not a fact that all other employees of Government reach the maximum of their scale of pay some time before their retirement?

(d) Is it not a fact that piece-employees of the Government of India Presses at Calcutta and Delhi do not enjoy the maximum of their scale even when they retire?

(e) If the reply to parts (c) and (d) be in the affirmative, will Government be pleased to state the reason therefor?

(f) Will Government be pleased to state how many compositors, binders and such other piece-employees of the Government of India Presses at Calcutta and Delhi have been promoted to selection grade during the period 1938 to August 1940 and the class in which they were at the time of their retirement?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes

(b) Twenty-four piece-workers were promoted to higher classes in the selection grade

(c) No

(d) and (e) Many do not reach the maximum as promotions in the selection classes depend *inter alia* on the number of vacancies

(f) The numbers are as follows

Press	Promotions to the selection grade during January, 1938 to August, 1940			Retirements during January, 1938 to August, 1940	
	Compositors	Binders	Other categories	Category	Classes
Calcutta	19	28	16	4 Compositors 5 Binders Other categories	1 each in classes 16, 19, 20 and 21 1 in class 15 2 in class 16 2 in class 17 1 in class 15.
New Delhi	8		7	11 compositors 5 other categories	7 in class 15 1 each in class 16, 17, 18 and 23 1 each in class 10, 12 and 15 2 in class 14

RETIREMENT OF GOVERNMENT OF INDIA PRESS EMPLOYEES BEFORE REACHING THE MAXIMUM OF THEIR SCALES OF PAY

3. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is not a fact that the scale of pay of a case foreman of the Government of India Press at Calcutta is Rs 200—10—300?

(b) Is it not a fact that most of the employees have to retire before they reach the maximum of their scale?

(c) If the answer to the preceding part be in the affirmative, will Government be pleased to state the reason therefor?

(d) Do Government intend to modify the existing system? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes, but the scale is applicable to the persons who were in Government service prior to the 16th July, 1931. For those who entered service on or after that date the scale is Rs 150—10—250.

(b) and (c) The incumbents of the post who retired recently did not reach the maximum of their scale as the post is a selection one and the incumbents are generally selected from amongst the Section-holders of the press at a fairly advanced age.

(d) No. Government do not guarantee that every incumbent of that post should reach the maximum of the grade before retirement.

SCALE OF PAY OF THE MONO-CASTER OF THE GOVERNMENT OF INDIA PRESSES

4. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is a fact that the pay of the Mono-caster of the Government of India Presses is fixed at the scale of Rs 30—35 per month?

(b) Is it not a fact that the pay of the Mono-caster of the East Indian Railway Press is higher than that of the Government of India Press?

(c) Is it not a fact that the pay of the type-supplier and rule moulder is higher than that of the Mono-caster? If so, why?

(d) Is it not a fact that the Mono-casters by the very nature of their work die before they reach their age of retirement?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state whether they intend to consider an increase in their salaries?

(f) Will Government be pleased to state the names of the Mono-casters of the Government of India Presses at Calcutta and Delhi who retired during the last ten years?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes, in the case of the Calcutta Press. This is also the scale of pay for Mono-casters of the New Delhi Press, who were in employment before the 16th July, 1931.

(b) They are about the same.

(c) No, not in all cases.

(d) No.

(e) Does not arise.

(f) Mr Hari Charan Das and Mr Ajit Senapaty, Government of India Press, Calcutta, and Mr Jagat Ram, Government of India Press, New Delhi.

DEDUCTIONS IN THE EARNINGS OF THE GOVERNMENT OF INDIA PRESS COMPOSITORS AT CALCUTTA AND DELHI

5. Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is a fact that the compositors of the Government Presses are employed on piece as well as on hour system?

(b) Is it a fact that the checkers check the output of the compositors on the basis of papers, forwarded to them being certified by the Section-holders?

(c) Is it a fact that work—both piece and hours—is distributed among the compositors by the respective Section-holders under their immediate supervision, who issue certificates accordingly?

(d) Is it a fact that the checkers of the Government of India Presses, Calcutta and Delhi, deduct almost daily something from the actual hours of work of the compositors, in spite of certificates from the Section-Holders?

(e) Is it a fact that the majority of the Piece-workers Committee of 1922 stated in paragraph 22 of their report that the differences among the checkers were serious?

(f) Is it a fact that these deductions by the checkers seriously affect the earnings of the compositors and thereby the class-rates and the pensions?

(g) If the answer to parts (a) to (f) be in the affirmative, will Government be pleased to state if any action has been or is being taken or is contemplated to be taken at an early date to remedy the present faulty checking system in the said Government of India Presses at Calcutta and Delhi?

(h) Will Government be pleased to state how many deductions have been made by the checkers in connection with the actual hours of work of the compositors and the amount of the loss incurred thereby by the compositors during the last one year at Delhi and Calcutta, separately?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a), (b) and (c) Yes

(d) Deductions are made by the checkers if the time charged is considered excessive. The Section-holders are not responsible for checking the time charged for by compositors

(e) No

(f) Government are given to understand that this is not the case

(g) Does not arise

(h) Government do not propose to collect the information as in their view the result will not be commensurate with the time and labour involved

MOTION FOR ADJOURNMENT

DETENTION OF PROF N G RANGA, M L A

Mr. President (The Honourable Sir Abdur Rahim) I have received notice of a motion for adjournment from Mr. Deshmukh. He wishes to discuss a definite matter of urgent public importance, namely, the detention of Prof. Ranga, Member of this Assembly, at Trichinopoly Junction Station at 3 P.M. yesterday, while on his way to attend this Session in pursuance of the Summons received by him to discharge his duty as a Member towards his constituency. I received a telegram from Prof. Ranga himself in which he says that he was detained under the order of the Madras Government. Is that the fact?

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan) I do not know

Mr. President (The Honourable Sir Abdur Rahim) That is what he says in his telegram

Mr. N. M. Joshi (Nominated Non-Official) May I say a word on that point?

Mr. President (The Honourable Sir Abdur Rahim) On what point?

Mr. N. M. Joshi: Whether action under the Defence of India Act is not a Central responsibility even though the orders may be issued by the Provincial Government

Mr. President (The Honourable Sir Abdur Rahim) I am simply asking now, I wanted to be sure about the fact I take it that Prof Ranga was detained under the orders of the Government of Madras

Mr. N. M. Joshi: Yes On that point, Sir, the Defence of India Act was passed by this Legislature It is not an ordinary criminal law

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member need not argue and have a debate on it He can put a point of order

Mr. N. M. Joshi: Sir, it is recognized that the Defence of India Act was passed in connection with this war and war is a Central responsibility I, therefore, contend that any action taken even by the Provincial Government under the Defence of India Act is a Central responsibility and must be dealt with by this Legislature

Mr. President (The Honourable Sir Abdur Rahim) I cannot accept this contention that any order passed by a Local Government under the Defence of India Act becomes a responsibility of the Government of India Under the Act each Local Government has got to administer its provisions and the responsibility in a case like this is entirely that of the Government which passed the order

Mr. N. M. Joshi: May I say one word more?

Mr. President (The Honourable Sir Abdur Rahim) No more I cannot have any more arguments In accordance with a previous ruling on this subject, I rule that the motion is out of order

RESOLUTION *RE* APPOINTMENT OF A COMMITTEE TO EXAMINE THE CONDITIONS OF DETENUS UNDER THE DEFENCE OF INDIA ACT—*contd*

Mr. President (The Honourable Sir Abdur Rahim) The House will now resume consideration of the following Resolution moved by Mr Joshi on the 15th November, 1940

"That this Assembly recommends to the Governor General in Council that he should take immediate steps to appoint a committee to examine and report without delay

(a) whether conditions under which the detenus under the Defence of India Act have to live in prisons are suitable and adequate, and sufficient privileges are granted to them for communication outside by way of letters and interviews; and, if not, what improvements should be made therein;

[Mr. President]

- (b) whether their families are provided with suitable maintenance or not; and, if not, what assistance Government should give them,
- (c) whether those who are interned or externed under the Defence of India Act have difficulty in maintaining themselves or their families, and whether it is necessary to give them any assistance from Government, and in case, it is necessary, what should be the amount of such assistance "

Sardar Sant Singh (West Punjab Sikh) Sir, this Resolution of the Honourable Mr. Joshi on the working of the Defence of India Act is a milk and water Resolution—so modest, he calls it a modest one, I call it something like the mildest one which could come from a Member who wants to keep his constituency in good humour as well as do the public service which he is called upon to do as a Member of this House. As a matter of fact, the working of the Defence of India Act for the last two years in India shows that the Act is being used not with a view to the successful prosecution of the war alone, as was given out at the time when the Defence of India Act was introduced and carried through in this House, but for purposes other than those for which it was intended. I need hardly point out that under the pretence of the use of that Act, people have been detained who were engaged in lawful activities.

The Honourable Sir Reginald Maxwell (Home Member) On a point of order, Sir. Is the argument of the Honourable Member relevant to the Resolution, which relates to the conditions under which detenus are confined?

Mr. President (The Honourable Sir Abdur Rahim) What was the argument?

Sardar Sant Singh: My argument is that I am afraid that the Defence of India Act is being used for purposes to prevent the lawful activities of the people and, as such, its working requires to be checked in all its details and with regard to all the provisions which it contains. The provision which pertains to this particular Resolution is about those people who have been detained under the Act.

Mr. President (The Honourable Sir Abdur Rahim) How does the Honourable Member make this relevant to the Resolution, under what head of it?

Sardar Sant Singh: May I submit, Sir, that before I come to the actual treatment meted out to the persons detained, I have to explain the background in which

Mr. President (The Honourable Sir Abdur Rahim) No, no. The Honourable Member must deal with the Resolution itself.

Sardar Sant Singh: Sir, the reason why I deal with the general aspect of the Defence of India Act is

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member cannot go into the general aspect of the Act.

Sardar Sant Singh: I will proceed with this particular issue. The particular issue involved is that people have been detained and without

trial who ought to be treated in a manner which may be called humane and the reason for this is obvious. First of all, these people have been detained without any specific charge having been brought against them. They do not know for what activities of theirs they are suffering detention under the Defence of India Act. And, secondly, their families are deprived of their services and of the livelihood which the detained people earned for their maintenance. Therefore it is essential that the Government of India should work this Act in a spirit which should win the confidence of the public that it is being worked on humane and just lines. Now, taking certain instances in which this Act has been used against persons holding particular political views and of which instances have been quoted in the two speeches given by Maulana Zafar Ali Khan and Mr Joshi the other day, is it not fair that they should be provided with all the amenities of life during the period of their detention? Here, I am tempted to draw the attention of the House to the modifications which the British Parliament have adopted in Great Britain. The members of the British Cabinet themselves moved a resolution in Parliament the other day in which they wanted the sanction of Parliament for appointing a Committee to go into each case so that Parliament may be satisfied that the Act was being worked in the spirit and for the purposes for which it was intended to be passed in that House of Commons. I wonder, Sir, why a chapter is not taken from the Parliamentary debates in this connection and a leaf is not taken from the book of Parliament.

The Honourable Sir Reginald Maxwell: May I interrupt the Honourable Member? The Committee to which he refers was dealing with the cases of enemy aliens.

Sardar Sant Singh: I understand that the Committee was dealing with each particular case in which the action was taken under the Defence of the Realm Act?

The Honourable Sir Reginald Maxwell: Cases of enemies only. Of men of enemy nationality only.

Sardar Sant Singh: Not Britishers?

The Honourable Sir Reginald Maxwell: No.

Sardar Sant Singh: My reading about the Committee, as the account appeared in the Press, is that action under the Defence Act is not taken till that Committee has looked into the case and recommended that the action was called for. However, I will look it up again and come to this subject after looking into the parliamentary debates on this point. However, a pledge was given to us at the time that this legislation was passed that this legislation would be used for the purpose of the successful prosecution of the war alone. Sir, the detention of these people without trial is not justified; they can prevent the successful effort towards the prosecution of the war only in a very remote degree. It is not directly connected and I hope the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim) I must again ask the Honourable Member to confine himself to the Resolution and refer only to those who are actually detained.

Sardar Sant Singh: I have to refer in some degree

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member will not be allowed to refer to anything which is outside the Resolution

Sardar Sant Singh: The conditions which the Committee will have to examine and report are contained in three parts of this Resolution. First of all, they will have to find out whether they are being detained in a place suitable for their health and whether sufficient privileges are being granted to them during the period of detention. I wonder what attitude the Government can take in a matter of this kind except to agree to this examination being carried out. It can be said that the Government are doing what they can by their official agency to look into these matters. But may I point out to the Government that the official agency will not do in such matters. A Committee appointed for this purpose will have to concentrate upon this subject and will submit a report which will be a public property and which will be open to public examination and public criticism. Besides, an official agency is not likely to create that confidence in the public as a non-official agency would. The second point is about providing adequate allowances to the families of those who have been detained. So far as I remember, a question was asked in this House on this point and the Government reply was that they were not prepared to sanction allowances in such cases. May I know why a family should be deprived of the means of livelihood which an earning member of the family was providing them on account of that earning member being detained? Why should it not be the duty of the Government to provide the family with the same means of living in which the family was living before this person was detained? The justice and fair-play demand that in such cases the family should be granted adequate allowance. Under the circumstances, my submission is that the Government should take a sympathetic attitude towards this modest Resolution and accept it so that the confidence of the public may be restored in the Government's action in such matters. After all, detention without trial is not a normal course of giving punishment to a subject. It is an abnormal matter and as such it should be met with abnormal measure and that abnormal measure is that a humane treatment should extend in the working of this particular provision of the Defence of India Act rather than the strict technical procedure of a jail life. With these words, I support the Resolution.

Maulana Zafar Ali Khan (East Central Punjab, Muhammadan) Sir, like my friend, Sardar Sant Singh,—I will not go to the length of saying that the Defence of India Act is being used

An Honourable Member: The Honourable Member has already spoken on this Resolution

Mr. President (The Honourable Sir Abdur Rahim). I understand the Honourable Member has already spoken.

(Maulana Zafar Ali Khan resumed his seat.)

Mr. Lalchand Navalrai (Sind. Non-Muhammadan Rural): Sir, I have not spoken on this motion yet and the view taken on the last occasion was that this motion should not be detained for long. Unluckily, it could not be finished then although the Honourable Mr. Joshi was very anxious that it should be finished as early as possible so that the treatment meted out to these detenus should be improved without delay. However, as it had to be postponed, I believe, having heard the Honourable Mr. Joshi who gave instances and who also pointed out the difficulties of these detenus, Government must have done something by this time. I would, therefore, like the Honourable the Home Member to tell us how far he has proceeded to remedy the wrong and to what extent further amenities have been afforded to these detenus. Now, Sir, it is a modest Resolution. I would say that it contains only one item. When we passed the Defence of India Act, we did not discuss it at any great length and passed it in the interests of the prosecution of the war. Some of its provisions were very extensive and in some respects they were harsh. In some other respects we merely gave a blank cheque to the Executive to administer that law in the interests of the exigencies of the war. But it was expected that when they were proceeding against persons who were to be confined as detenus either in jails or within certain areas or who were being externed, the treatment to be given to them would not be the same that is given to an ordinary criminal or a man who has gone into the detention on account of a crime involving moral turpitude. It was expected that the Government itself would do certain things so that no complaint may be made against it. But what has been the result? The result has been, as was mentioned by Mr. Joshi and other speakers, that they are not given even ordinary comforts and ordinary amenities. Now, the point is who are these people who have been detained and how they have been detained? They were not given any trial. The allegations against them were not proved in any court of law and they were not even proved to show that there was any substance in them beyond mere suspicions. We know how the C I D reports come and in the cases under the Defence of India Act the C I D must be very active to get even those men locked up against whom they even had an unfounded suspicion. And a word from the C I D is more or less a death-warrant to the man against whom the report is made. It is very necessary, therefore, that the Government should go into these complaints and the grievances that have been made.

Now, Sir, the Honourable Mr. Joshi has taken pains to collect facts. He has got facts and he has got proof of them. He told us that there are two categories of these detenus. Now, I will take up the grievance of those detenus who have been detained in jails. Now, so far as these men are concerned they had good station in life, they had good home comforts and they could also take care of their families. Having been detained they were given a life which was absolutely different from that which they enjoyed before their detention. There ought to be certain considerations for them to see that, though they may not be given the same comforts as they used to enjoy in their private life, some concessions are given to them. If such concessions have not been given to them so far, they must be given to them at once. The first difficulty which has been mentioned is with regard to small matters of convenience. They are not being supplied soap or oil or materials for shaving.

An Honourable Member: They can grow hair

Mr. Lalchand Navarai: That would also harm them. Now-a-days everybody is clean shaven. Apart from that, if a man has been accustomed all his life to get himself clean shaven, if all of a sudden he is forced to grow his hair, he would become sick. The other complaint is they are not being given newspapers. I know one or two newspapers are being given, but they are not worth reading. It has become almost the fashion now-a-days with everybody to read newspapers the first thing in the morning.

The other complaint was they are not given facilities for smoking. Here I must say plainly that I have no sympathy with this complaint. I am myself not a smoker and, therefore, I do not know what comfort they derive from smoking. But all the same I do not want to grudge them this comfort if they had been accustomed to smoking all their lives. I see that smoking has become a habit which has come from fashion only through contamination. If these people cannot do without smoking, then why should they not be given cigarettes.

The next complaint was with regard to food. Food should not be supplied to them as if they are criminals, but should be supplied to them as gentlemen. This complaint against food also should be removed. With regard to facilities for recreation, I should like to know from the Honourable the Home Member if any steps are taken to make them keep good health. I was simply astounded to hear from Mr. Joshi with regard to the conditions for medical treatment. He quoted the instance of a man who was suffering from toothache and owing to acute pain when he approached the Officer in charge of jail to arrange for the extraction of his tooth, the poor fellow was told that he should pay the doctor's fees. Wherefrom could that detenu get the money for meeting the medical charges? Did he take any money with him? On the contrary these people who are the breadwinners of their families having been detained, their families are left helpless and they themselves are starving. Under those circumstances, how is it possible for the families to defray the medical charges of the detenu. Instances such as these are pitiable and if they are true, it is high time that Government looked into the matter and slackened the rigours of the administration of the rules made under the Defence of India Act.

The other complaint is that people are kept apart from one another. Even two detenues are not kept together in some cases. I do not know why even those some cases should happen. It is for the Government to explain. Are they to be kept in solitary confinement? When they are in detention nothing should be done of a retaliatory nature. Such things are not right.

Then with regard to facilities for visits, I am told that they do not allow detenues to mention their grievances or their complaints to their relatives.

Mr. N. M. Joshi (Nominated Non-Official) I did not say that

Mr. Lalchand Navarai: That was how I understood my Honourable friend. However I will not pursue the matter. I would only say that all conveniences should be given to them to speak freely with their relatives and friends when they go there. With regard to the letters written by the detenues, they should not be sent to the C I D, but they should be sent

to the Superintendent of the Jail and in the ordinary course those letters will be opened by him and if there is anything objectionable, he can withhold the transmission of those letters and not otherwise

With regard to daily allowances, I heard from my Honourable friend, Dr Banerjee, that previous to the enactment of the Defence of India Act, the detenues were being given certain allowances, and in some cases their families also were given some allowances. I do not know why it should be said that their families should not get any allowances. Where Government has good grounds to believe that the families are such that they can maintain themselves in spite of the absence of the detenu, in those cases, the families need not be given allowances, but in cases where the detenu is the only breadwinner, then in fairness, Government should give the family some allowances for having deprived it of its breadwinner. The acuteness of the grievance is all the greater with regard to the detenues who have been externed, and those who are asked to remain within a certain area and not to go out. It is something like double surveillance. In such a case, how can the poor externee make both ends meet? In the first place he is asked to go out of the place where he has been earning his livelihood and he is thrown into a new place where even though he might go about, there is no chance of his getting any livelihood. He shall have to start anew and he may find it very difficult to earn his living. With regard to the families of such externees, they do require some allowance to keep them going. These are fair and just demands which should be complied with. You cannot brush these aside as unfair and unjust.

With regard to the terms of the Resolution my Honourable friend, Mr Joshi, is asking only for the appointment of a small committee. But we know that even this committee of three would take a long time. My Honourable friend, the Leader of my Party, when he made his speech last time, said that when the facts are there and the details have been given showing their grievances and the unfair treatment meted out to them, and as there are letters to prove that, what more is this committee required to do? It would have been better if we had asked the Governor General in Council to take action. I fully endorse that view put forward by my Leader.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

Mr. Lalchand Navalrai: Sir, the Resolution is very modest and I support it.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions Non-Muhammadian Rural) Sir, I rise to support this Resolution, 12 Noon although I do not feel much enthusiasm for it because it is not a matter which really requires a committee. The question is very simple and can be dealt with by Government straightaway without any committee. The Resolution, as I read it, relates to two classes of people. Clauses (a) and (b) relate to people who are detained in jail without trial.

Mr. N. M. Joshi: No, I have not said that.

Mr. Akhil Chandra Datta: It comes to that. I do not think the Honourable Member refers to people detained in jail after trial.

Mr. N. M. Joshi: I have made no distinction

Mr. Akhil Chandra Datta: In any case the question raised in this Resolution does not arise very appropriately with regard to people who are convicted and detained in jail after trial. But it really arises with regard to those people who are detained in jail without trial under the Defence of India Rules and who come within clauses (a) and (b) of the Resolution. Clause (c) refers to the class of people who are interned or ·externed. Now, what is the law on this subject which governs the conditions of the detenus? Rule 26 of the Defence of India Rules is the relevant rule under which orders may be made directing that a person be detained, directing that he shall not be in any such area or place in British India as may be specified in the order requiring him to reside or remain in such place or within such area in British India as may be specified in the order, and in sub-rule (f)

"imposing upon him such restrictions as may be specified in the order in respect of his employment or business in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions,"

These are the different classes of restrictions which can be imposed under the Defence of India Act. Then as regards the conditions to which this Resolution relates, we find in sub-rule (5) of rule 26 the conditions under which they are to live, as to maintenance and other matters, in regard to which orders may be passed by the Central Government or the Provincial Government from time to time. So far as the Central Government is concerned some conditions have been laid down by a notification of the Home Department, dated the 2nd October, 1940, under which Security Prisoners are divided into two classes, I and II, according to the state of their health, and their education, status and mode of living before arrest. Then it is said

"For each class of Security Prisoners an appropriate scale of accommodation, furniture, clothing, diet and other necessities shall be prescribed by the Chief Commissioner."

This refers to Delhi and I take it similar rules have been made by the Provincial Governments also. I shall confess at once that so far as these orders go there is hardly anything to complain about because it is definitely laid down that regard will be paid to their education, health, status in life, etc., and for each class of Security Prisoner there must be an appropriate scale of furniture, clothing, diet, etc., and "other necessities", which, I take it must relate to necessities of the body as well as those of the mind. The mind requires as much food as the body, e.g., newspapers, books, etc. The rules themselves are quite fair but the whole trouble is that these orders are never carried out in actual practice. They are merely paper rules and are an eye-wash and a camouflage. Mr Joshi placed a long list of grievances with regard to accommodation, furniture, diet and other necessities.

Mr. N. M. Joshi: And allowances also

Mr. Akhil Chandra Datta: I am coming to that. We want the Government will see that these orders are carried out in the spirit in which they are made. That is about the conditions of the detenus in jail.

I do not find in these rules any provision made for allowances for their families. The words in the rule are very general as to maintenance. I do not think, without straining that expression "maintenance", it can be said to cover the case of family allowances. So there is no provision made for family allowances. Mr Joshi says that if for any reasons of state you find it necessary to detain persons and specially detain them without trial, then it is the duty of Government not only to maintain the persons themselves but their families as well and he extends the principle to those who are interned or externed, because after all practically speaking, if a man is interned or externed he loses his job and he cannot earn his livelihood by normal avocation, so that with regard to both these categories of persons, Mr Joshi's contention is that it is the duty of Government to maintain their families, otherwise Government is not discharging its duty.

I think Mr Joshi is perfectly justified in making that demand. This is not the first time that people are detained for reasons of state during a war. There was the last great war and people used to be detained during that war also, and I am perfectly sure that during that war family allowances used to be given to the families of those persons who were detained under the Defence of India Act of that war. I have personal knowledge of detenus who used to receive such family allowances. We do not know why that policy has been changed. We do not know when that policy has been changed and why. My contention is that it is the moral obligation of Government to maintain their families. There is also the legal obligation. As regards family allowances I do not know what exactly is the law, but I know that as a matter of fact family allowances used to be given. I hope the Honourable the Home Member will enlighten us on this point whether there is any law, written or unwritten, as regards provision for family allowances to the detenus.

Mr Joshi has also pointed out that as a matter of fact more comforts are given to the German prisoners and the Italian prisoners. It is very difficult to understand why more comforts are given to those with whom you are fighting and who are fighting you and why you do not care for the comforts of those whom you suspect of having some sort of sympathy with those people or who do not like to prosecute the war effort as much as you wish them to do. In any case, this is a matter which I do hope the Honourable the Home Member will throw some light upon. It is really extremely irritating to find that more comforts are given to German and Italian prisoners than to our own people.

Mr. M. S. Aney (Berar Non-Muhammadian) You want light or you want comfort?

Mr. Akhil Chandra Datta: I want both and comfort. I do not wish to detain the House longer. My contention is that the rules on the subject should be given effect to loyally and properly, and with regard to family allowances there should be some provision made, we should like to know the policy of the Government on the question. Sir, I support the Resolution.

The Honourable Sir Reginald Maxwell: Sir, the speeches made in support of this Resolution have been very reasonable in tone and I am

[Sir Reginald Maxwell]

perfectly ready to give the House such information as I possess in answer to it. The latest available figures about the number of security prisoners detained under Rule 26 show that the number under detention at the end of last month was about 700. Of these, some 102 persons had been detained in connection with the *satyagraha* movement and I shall refer to these later. Leaving them aside, the number of prisoners with whom this Resolution is concerned is about 600 up to date. I think it will be admitted that a figure of this order, after eighteen months of war, and in a population such as that of India, does not indicate any excessive readiness on the part of the authorities to use their powers of detention. The majority of the prisoners detained come from the provinces of Madras, Bombay, Bengal, United Provinces, Bihar and the Punjab, and the numbers from other provinces are insignificant or none.

Mr. M. S. Aney: How many from the Punjab?

The Honourable Sir Reginald Maxwell: 115 from the Punjab.

Mr. M. S. Aney: And Bengal?

The Honourable Sir Reginald Maxwell: 141.

Mr. N. M. Joshi: May I ask whether the number of interned or externed persons is included or they are separate?

The Honourable Sir Reginald Maxwell: I am speaking of persons detained, not persons restricted. I will refer to persons against whom restriction orders have been passed, later on. I am speaking now of persons detained under Rule 26.

Maulana Zafar Ali Khan: Any one from the Indian States?

The Honourable Sir Reginald Maxwell: No. Excluding certain ex-military prisoners, the number detained by orders of the Central Government is 29 and the rest of the persons I have mentioned have been detained by orders of the Provincial Governments. Of the prisoners mentioned, 166 are detained at present at Deoli, including eleven of the Central Government prisoners, and the rest at Deoli come from the United Provinces, the Punjab, Bihar and the North-West Frontier Province. The general conditions of confinement are laid down in the Deoli Detention Camp Order, a copy of which has been placed in the Library of the House. This applies in full only to the Deoli Detention Camp, but it has been supplied to all Provincial Governments as a model for the treatment of their own security prisoners. It is being followed in general by the provinces with certain variations in detail. I should wish the House to understand that I can speak with authority only of prisoners detained at Deoli, that is, in the Central Government's custody. However, since the last debate I have written to all provinces asking them to clear up some points that were raised and they have supplied me with information about their own prisoners on some of the specific points about which anxiety was expressed.

Now, as regards the conditions of confinement, security prisoners are divided into two classes according to their state of health, education, status and mode of living before arrest. The treatment of class I prisoners corresponds generally as regards diet and accommodation to that of B class

convicts, and that of class II prisoners corresponds to that of C class convicts,—in regard to diet and accommodation, I say. In other respects the privileges allowed to them correspond more nearly to those of A and B class convicted prisoners. For instance, security prisoners of both classes are allowed to wear their own clothes. They are not compelled to work, but they are encouraged to do so, and they will be paid for any remunerative work which they may do.

Of the 166 prisoners detained at Deoli, 77 have been placed in class I and 89 in class II. Exact figures are not available of each class in the provinces, and in some cases the classification is still under revision. It may, however, be taken as certain that a very large proportion of all the prisoners are in the higher class.

Maulana Zafar Ali Khan: You mean in the provinces?

The Honourable Sir Reginald Maxwell: Yes.

As regards the other privileges and conditions, firstly as regards letters, class I security prisoners are allowed to write two and receive four letters a week, class II prisoners may write and receive one letter a week. They are supplied with writing materials by Government. The House will remember that A class convicts are allowed only one letter a fortnight, and B class convicts only one letter a month, so that these conditions compare favourably with those of convicts.

An Honourable Member: Who pays for postage stamps?

The Honourable Sir Reginald Maxwell: Government.

Then as regards interviews, class I security prisoners may have one interview a fortnight, class II prisoners may have one interview a month. I understand, however, that the United Provinces have allowed one interview a week to class I prisoners and one a fortnight to class II prisoners. But under the standard rules the interviews allowed are the same as for A class convicts.

An Honourable Member: Does one interview mean that only one person can interview at a time?

The Honourable Sir Reginald Maxwell: Up to three persons are allowed at one time.

Prisoners receive no personal allowances, that is, in their place of detention, but class I prisoners are allowed to receive amounts up to Rs. 10 a month from relatives or friends to supplement their amenities if they want to, for instance, such things as smokes; and class II prisoners may receive up to Rs. 5 a month from outside.

As regards other conditions, there were two particular things which have been mentioned during the debate, one as regards medical treatment and the other newspapers and books, and also recreation. I have made inquiries from all provinces on these points, and I find that in the first place all these prisoners receive free medical treatment as a matter of course. They get all the medical attendance that would be available to any person in custody in any jail.

Maulana Zafar Ali Khan: What is the percentage of these prisoners who have been receiving pecuniary help from their relatives?

The Honourable Sir Reginald Maxwell. Will the Honourable Member allow me to finish my speech without interrupting me so often, otherwise I shall not be able to finish my speech within the time at my disposal.

The points raised regarding medical treatment, however, especially concerned medical treatment of a special kind, that is, dental or ophthalmic. I made inquiries about that also from all provinces, and they have all explained the arrangements they have made for such treatment at Government expense where the prisoner is unable or does not wish to pay for his own treatment. If facilities do not exist in the jail itself, there are arrangements for transferring the prisoner to a hospital where the treatment can be given. For instance, prisoners at Deoli are transferred, if necessary, to the Victoria Hospital at Ajmer. I understand from one province that some security prisoners have been using the facilities afforded to them in order to obtain good medical treatment for longstanding complaints which they had before they were detained,—in fact it has been a great convenience to them, and from another province I understand that the special medical treatment has been of a much higher standard than the prisoners could have afforded for themselves.

I think the House may rest assured that complaints of lack of treatment, whether for special complaints, such as dental or ophthalmic, or for ordinary purposes are totally without foundation.

Mr. Lalchand Navalrai: What about that toothache man?

The Honourable Sir Reginald Maxwell: I have said that any prisoner suffering from toothache gets dental treatment free.

As regards newspapers and books, all provinces, where there are any considerable number of prisoners, have made arrangements to supply them with a selection of daily or weekly newspapers from an approved list. Prisoners of course are allowed also to obtain papers from an approved list at their own expense from outside. At Deoli 13 daily newspapers in various languages, two weekly papers, and one monthly are supplied to the prisoners at Government cost, and books are provided from the public library, Ajmer, and the Ajmer Jail library. Similarly in all provinces books are available to prisoners from the jail libraries.

As regards recreation, this is provided in various forms in most provinces, and where it is not provided free, games are also available at prisoners' expense. It must be understood that Government cannot afford to provide expensive facilities for recreation, and the prisoners have to take what is available, but at the same time at Deoli the facilities for recreation are very extensive both for indoor and outdoor games.

As regards the minor requirements commented upon in the debate, first, considerable concern was expressed about soap. I find on inquiry that this is provided everywhere at Government expense, and the complaint is totally unfounded. Government cannot, of course, provide soaps at the fancy of the prisoners, and I think that where there have been complaints, it is because the prisoners wanted scented soaps. Similarly, shaving is everywhere done by convict barbers if the prisoners do not possess their own shaving material, nobody goes without a shave. I think generally Honourable Members should beware of listening to complaints of this kind which

they may get by letter or otherwise from security prisoners, who are not, in general, persons of good character. I myself visited the Deoli detention camp on the 28th December and saw everything. The result of my inspection was such that it rather surprised me. I had expected to find rather a bleak and barren place and the prisoners having a rather miserable time of it, but I found that the place was most excellently organized. It is true that the prisoners are behind barbed wire, but they have ample space within it. They have large recreation grounds provided for them and games are regularly organized. Their accommodation is ample and spacious and airy. I found them engaged, and apparently comfortably engaged, some playing chess, others reading and so forth. They are provided with reading rooms where I found prisoners reading what they wanted. Their messing arrangements are excellent. I saw some of them having their meals. They appeared to be quite good, and at any rate the prisoners appeared to have no lack of appetite. All the standard equipment of the prisoners was shown to me, their clothing, bedding and such things, which are supplied to them. I certainly thought that no prisoner could complain of the class of articles with which he was issued free by Government.

Sardar Sant Singh: Was it a paradise?

The Honourable Sir Reginald Maxwell: I am telling the Honourable Member what I saw. He may go himself if he likes.

Sardar Sant Singh: Just like the Andamans it was a paradise?

The Honourable Sir Reginald Maxwell: The medical facilities in particular I examined. Hospital accommodation within the detention camp is really excellent and is as good as I have seen anywhere. There are qualified doctors.

An Honourable Member: Have they medicines in stock?

The Honourable Sir Reginald Maxwell: I saw the health chart and found that the general health of the prisoners was remarkably good, including the records of their weights. Some of them have been gaining weight more rapidly than is good for their health.

An Honourable Member: Then why shirk an enquiry?

The Honourable Sir Reginald Maxwell: I certainly do not mind showing Deoli to any Honourable Member of this House. There is absolutely nothing to be concealed at Deoli as regards the treatment of these prisoners. At the time of my visit they did not know who I was. I went round with the Superintendent and the prisoners I believe were told by somebody when he was asked, "This is some P. W. D. man." They had no idea who I was and I was able to listen to their ordinary complaints and remarks as we went round and I found scarcely anybody who had anything to complain of and on the whole they were on very good terms with the Superintendent.

(At this stage Sardar Sant Singh tried to interrupt the Honourable Member).

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member ought not to interrupt the speaker.

The Honourable Sir Reginald Maxwell: Then I come to the next question of family allowances. The principle followed in respect of family allowances is that Provincial Governments may in exceptional cases grant allowances to the dependants of security prisoners when it is necessary on the ground that the detention has deprived the family of its income and left it in such destitute circumstances as to make assistance necessary. That is the principle agreed upon with the Provincial Governments. The number of applications received is comparatively small and all the cases are very carefully investigated. So far as information is available to me from what I have received from the provinces, allowances have been given in about a dozen cases the amounts varying from Rs 35 a month to Rs 10 a month. However, not all these applications are such as require serious consideration. For instance, one province reports that in one case the brother of a prisoner asked for an allowance for himself and his family on the ground that the prisoner had been maintaining them, that is, family of the brother of the prisoner. In fact, no doubt a good many extravagant claims are made. While on this point, however, the House must remember that, if a person engages in revolutionary activities, it is he who lets his family down and not the general taxpayer who is expected to pay these allowances. The argument used by my Honourable friend, Mr Aney, and I think, by Mr Akhil Chandra Datta, that the detention of the family breadwinner places an obligation on Government to provide for the maintenance of his family, would, if carried to its logical conclusion, apply also to convicts. What happens to the family of a person convicted of a crime who is detained in prison? It is an unfortunate thing that, when anybody renders himself liable to be deprived of his liberty, his family suffers. The only thing I can say about it is that we feel and sympathise with the family, but the person responsible for it is the offender.

An Honourable Member: But he has not been proved to be an offender.

The Honourable Sir Reginald Maxwell: In most cases, the persons whom we are now considering did not earn anything much by honest work of which they are now deprived. They were paid agitators.

Mr. N. M. Joshi: That is also honest work!

The Honourable Sir Reginald Maxwell: Let them go to their masters, the persons who paid them for carrying on their subversive activities and ask them for the relief which their family needs.

Mr. M. S. Aney: Can you prove who their masters are? If you prove that, your obligation is at an end.

The Honourable Sir Reginald Maxwell: I know some of their masters.

Now, I will come to the question of persons not detained but restricted by orders under Rule 26. The question of allowance to persons restricted does not, of course, arise unless restriction to a particular area or exclusion from a particular area has involved loss of employment. It is chiefly in Bengal that restriction orders have been passed, and there most particular instructions have been given by the Provincial Government to employ these powers so as to interfere as little as possible with the normal life of the person affected. In some cases where it was found that hardship had been

caused by these orders, the orders were modified in accordance with this policy in order to give the persons an opportunity to continue to earn their own livelihood. Fiftysix applicants in Bengal have applied for personal allowances and in two cases an allowance of Rs 10 a month has been granted. In the North-West Frontier Province an allowance of Rs 30 a month has been granted to one restricted person. Elsewhere no applications appear to have been received and the number of restriction orders is very small.

I would refer again to the persons detained for satyagraha. The usual practice has been not to take action against persons giving notice of their intention to commit an offence but to prosecute them after the offence has been committed. Where, however, the satyagraha demonstration was likely to create excitement or disturbance or to attract crowds, especially in large cities, the expedient has sometimes been adopted of arresting such persons in advance and detaining them under the Defence of India rules. This is chiefly being done in Bombay and it should not be repugnant to the promoters of the movement since they have expressed their wish to avoid disturbances connected with satyagraha. It must be remembered, however, that the persons so dealt with would in every case have been convicted of a substantive offence if they had not been arrested in advance. Their treatment as security prisoners does not compare at all unfavourably with that which they would have received as convicts and they should rather be regarded as self-ordained convicts and not really within the scope of this Resolution.

However, a great majority of the persons detained are not of the class which commits symbolic offences. Excluding satyagrahis, almost all the persons detained are either communists or revolutionaries. About 94 were revolutionaries or terrorists arrested in Bengal. There are also, as I have said, a certain number of *ex*-military prisoners and a few suspects detained for miscellaneous reasons connected usually with enemy activities. But the remaining number, about 480 persons, were, almost without exception, either acknowledged communists or else active supporters of the communist programme of violent mass revolution. Some of these, including especially those whose detention was ordered by the Central Government, formed the central directorate of the communist organisation in India and their detention was necessary to cripple the communist machinery. In the case of all these persons, whether terrorists or communists, it is incorrect to say, as several speakers have asserted, that they were detained only on suspicion. Government have enough dangerous people on their hands not to wish to add to their number by mere arrests on suspicion. In every case where action of this kind has been taken, it has been based on definite knowledge of the activities of the persons concerned.

In many cases, no doubt, had the facts been known to the courts, a conviction would have been possible but this would have involved the disclosure of secret information and the institution of a series of trials which would certainly have been prolonged like the Meerut Conspiracy Case and is not a thing which can be contemplated in time of war. But it is sufficient justification for the action taken that it was known that these persons were plotting action which was definitely intended to help the enemy in this war or to prejudice the peaceful government in the country in ways which could not be tolerated in war. In war, we cannot

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take risks to the same extent as in peace. It is therefore irrelevant to argue that the persons should receive specially favourable treatment because they were not convicted. I can give the House an illustration of the kind of persons we are dealing with, out of their own mouth. I will read one or two passages from a publication called the 'Proletarian Path' which was published by the Communist Party at the Ramgarh session of the Congress. This document urges that "India has to make revolutionary use of the war crisis" and it goes on to expound this revolutionary use. The first step is taken as follows

"Political general strike in the major industries together with country wide no rent and no tax action constitute the first step towards this objective."

After developing that point, it goes on to say that when that stage has been reached "the national movement will enter into a new and higher phase—the phase of armed insurrection" and it goes on to expound that further again. It says

"In order, however, to smash the State machinery and not merely to paralyse it, in order to win over the rank and file of the army and not merely shake it up, the movement will have to develop into nation wide armed insurrection."

Now, listen to this

"Storming of military and police stations by armed bands of national militia in rural as well as urban areas, destruction of Government institutions, actual offensive against the armed forces of the Government on the most extensive scale—these will increasingly become the chief features of the struggle."

A programme of this kind is not the programme of any legitimate political party in this country and the action taken against the organisers is not taken for political reasons but solely as a matter affecting the security of the country in war. Under the arrangements described, the persons concerned are given privileges far more than they deserve or than would be given by other belligerent countries to their traitors. These persons are receiving all the consideration which humanity demands. They will not be tortured or ill-treated. We are not monsters.

Mr. M. S. Aney: Thank God.

The Honourable Sir Reginald Maxwell: but, at the same time, so long as I am here they will not be pampered while their own action compels us to put them out of the way for reasons of safety during the time the country is engaged in a life and death struggle.

Now, a comparison has been made of enemy internees. Mr. Joshi has compared the treatment of security prisoners with that of German and Italian detenus and said that he cannot understand why greater comforts and facilities should be allowed to the latter. The comparison is not a valid one because although civilian internees are not prisoners of war, they are, by international agreement, being treated in accordance with the principles of the Geneva Convention of 1929. It must be remembered that the treatment of British subjects, including Indians, similarly interned in enemy countries is on a reciprocal basis. We are, therefore, not free to do anything else but in any case I would not say on the merits that the distinction between enemy internees and security prisoners is not justified. I myself would in any case give the preference to enemy internees, who

have nothing against them except that they owe allegiance to enemy countries, rather than to persons who have been deprived of their liberty for plotting against their own country and against those who are fighting for it

Now, Sir, some comparison has been made regarding the previous practice in regard to detenus. Dr Banerjee considered that the previous treatment of detenus in Bengal was more liberal than the present practice and Mr Aney has compared the treatment given to persons dealt with under the Regulations of 1837 and 1818. The persons dealt with under the latter regulations were mostly of a different type but the point is the same. The answer is that even if we assume that the previous treatment was not too lenient, the presence of war conditions does make a difference in what is appropriate or inappropriate. In times of peace, these people were at best a pest or a disease but not a fatal one. In war, they are traitors and so far as they do not meet the fate that traitors deserve, they may think themselves lucky.

Now, I come finally to the question of a committee. There is no useful function which a committee could perform. It is not a question of obtaining information, since Government have all the information which they need and are perfectly ready to place it at the disposal of the House. There is no question whether these prisoners have vital necessities or are well looked after. Beyond that, the question of what further privileges or concessions should be allowed to them is a question of policy, not of fact. The Mover's intention is clearly only to set up a committee for the purpose of recommending concessions over and above what is really necessary. Where Government have the tremendous responsibility of maintaining the security of the country in a time of grave emergency such as this, they cannot divest themselves of it but must deal with the matter solely from the point of view of what is needed to win the war. Several speakers have spoken as though these prisoners were deserving of special sympathy, as though Government had almost to apologise to them for depriving them of liberty to carry on their plots. It is suggested that the action of Government can only be justified if these persons are made so comfortable that they have nothing to lose from their detention. If we wished to encourage others to carry on such plots, there could be no better way. I am not in the least apologetic. Government have nothing to apologise for in taking action which was necessary in the urgent interests of the country. These prisoners are not decent honest persons deserving of sympathy. The great majority of them are utterly worthless persons whose life is spent in plotting the downfall of society. They may perhaps be the Honourable the Mover's friends. I hope not, but other Honourable Members, I am convinced, will think differently of them and would join me in feeling that persons capable of the worst kinds of treachery do not deserve the sympathy of this House. Sir, I oppose the Resolution.

Sir Syed Raza Ali (Cities of the United Provinces, Muhammadan Urban). May I ask what the number of restricted persons is? I do not think the Home Member gave us that information.

The Honourable Sir Reginald Maxwell: I have not exact information about that but the best information I have shows that some 700 persons

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have had restriction orders of one kind or other passed against them. Of these, 561 are in Bengal, that is to say, the numbers in other provinces are comparatively small. The greatest number in any other provinces is 47 in Assam.

Qazi Muhammad Ahmad Kazmi (Meerut Division Muhammadan Rural) Has the Honourable Member got the number in Delhi?

The Honourable Sir Reginald Maxwell: No, Sir. I am afraid I have not got the number in Delhi. I think there are none or only one or two orders passed in Delhi.

Sir Syed Raza Ali: Sir, the political creed of the Mover of this Resolution, my Honourable friend, Mr Joshi, is a sufficient indication that there is no desire on his part to embarrass the Government in the present critical situation. The same, I am sure, is the feeling of this House. The feeling so far as I am able to judge, of this House is that it does not want to do anything which would either embarrass the Government or have a prejudicial effect on the Government's efforts for the successful prosecution of the war. Now, fortunately as regards the terms of this Resolution they are modest indeed. There is no desire, let it be noted, on the part of the Mover of this Resolution, or so far as I have been able to see on the part of any speaker who spoke in support of the Resolution, to subject to criticism the measures that have been taken by the Government so far in prosecution of the war. The point that arises out of the Resolution is a very small point indeed, viz., whether it is necessary to institute an inquiry into the condition of those against whom action has been taken either by the Central or by the Provincial Governments under the Defence of India Act Rules. Now, the Honourable the Home Member went into a lengthy statement of the action taken against a certain number of people who either have been deprived of their liberties or on whose actions restrictions have been placed either by the Central or the Provincial Governments. Unfortunately, he was not in a position to state clearly the number of those on whom restrictions have been imposed by Government, the total number as given by him, which includes both the restricted persons and the detenus, comes to seven hundred and seven. It would have been of some little interest to know as to what is the number of persons on whom restrictions have been imposed. Now, take the case of Delhi itself. My information is somewhat startling and I give it in this House, so that the Honourable the Home Member may have it within his power to verify the facts and inquire into the condition of those persons against whom restrictive orders have been passed. A friend of mine who is in touch with some of these people against whom action has been taken, and who, fortunately, is also a Member of this House, told me two days ago that action had been taken against a man in Delhi for taking part in the funeral of his brother and for going to the graveyard. The position was that a restrictive order had been passed against this man. That restrictive order did not allow him to proceed beyond certain circumscribed limits. Unfortunately, in the meantime, his brother died and he had to go to the graveyard to take part in the burial of his brother, and action was taken against him, viz., he is being prosecuted. Indeed since the prosecution arises out of his disobedience

of the restraint imposed upon him. I believe it is a meet and proper case to be inquired into. Well, similar other cases were given to me by my friend, I hope that my friend is present here in this House—though I do not see him in this part of the House. I hope he will make his point clear and give a list of those persons against whom action of this somewhat unduly severe character has been taken by the Delhi Administration.

Now it is not my purpose to deal, either province-wise or according to the alleged degree of violence, with these detenus against whom action has been taken. It may be that the action taken by the Central Government and the various Provinces is justified. Well, the Home Member seems to have made out on this point alone a *prima facie* case, but a *prima facie* case is not always, as we all know, a case which has been proved up to the hilt. I was wondering, when my Honourable friend, the Home Member, came to grips with the question, *viz*, the last portion of his speech dealing with the appointment of a Committee, I was wondering all the time what was really the argument against the appointment of such a Committee so far as he is concerned. I remember, Sir, that during the late War more than one Committee was appointed—some of them were appointed by the Government of India and others by the Local Governments—to inquire into the cases of people who had been deprived of their liberty by the Government's action. In fact I distinctly remember one case in which two Judges of the High Court were appointed to re-examine and review the order that had been passed against certain persons depriving them of their liberty under the Defence of India Act of that time. What the Government did then was to appoint a committee to examine and see whether there was any justification for keeping those persons in custody against whom action had been taken six months, twelve months or two years before. The inquiry went much further than what is contemplated in my friend, Mr. Joshi's Resolution. There the whole thing was re-examined and the merits of the case were gone into. The detenus were released if it was found that it was not necessary to keep them under restraint any longer. Now, my Honourable friend, Mr. Joshi, does not ask the Government in his Resolution to take a drastic action of this character. What he does ask is that a Committee should be appointed to go more or less into two questions. Broadly speaking, there are only two questions and no more. He wants the Committee to see whether the conditions under which these detenus are living are suitable. That really raises more or less questions of health and environment. Secondly, he pleads that in fit and proper cases allowances should be granted either to the detenus themselves or, in case where such detenus have left families without provision, to their families. I think both points, on the face of it, are reasonable. Let me make it quite clear that I have no sympathy with those who want to bring about a radical disturbance in our society either by violent or non-violent means.

An Honourable Member: Non-violent means also?

Sir Syed Raza Ali: Yes, non-violent means also. I have no sympathy with these people. After all, there is not much difference between the sort of non-violence that is being practised in India today and the violence in some other countries. It is a case of six of one and half a dozen of the other. At present the non-violence that is being

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practised is really a farce. But I do not think I should say harsh words about those who through their own action have absented themselves from this House. Therefore, I will say no further. Anyway, the point is this that I do want to maintain the present structure of society, and if there are any communists or Fascists or Nazis who want to bring about a revolution, I would certainly support the Government of India in such action as it takes against such persons. All the same, having said that much, let me make it quite clear that there is no reason why every man should not be given a reasonable chance when he can have no recourse to a court of law. The real difficulty is this that these orders passed by the Government of India are executive orders. These orders are not tested by any court of law. No legal evidence was taken in support of the charges or allegations on which these detenus have been deprived of their liberties. Therefore, I think it is only just and proper that a Committee of the nature recommended by Mr. Joshi should be appointed to conduct this inquiry.

One of the difficulties raised by the Home Member was the question of policy. The Home Member pointed out that the treatment meted out to these detenus raised a question of policy and the Government of India were not prepared to divest themselves of the power of shaping this particular policy or entrusting it to other hands. Now, I do not think that is a fair statement of the case or a correct statement of the case either. Let the Government of India keep the question of the control of this particular policy into their own hands.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

Sir Syed Raza Ali: Very well, Sir. All I can say is this that we are in the midst of war and it is up to Government not to do anything which would alienate public sympathy. The Resolution raises a very small point. I assure my Honourable friend, the Home Member, that if he were to appoint a Committee recommended in this Resolution, it would not affect prejudicially either the Government of India or their policy in any way. Let the Government act courageously, let them be a willing party to the acceptance of this Resolution and let a Committee be appointed. I assure the Honourable Member that he will actually find that after the recommendations of such a Committee have been received, his hands will be even stronger than they are today. Sir, I support the Resolution.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions, Muhammadan Rural). Sir, there are only a few questions which I would like to ask the Honourable the Home Member and through him the Government on this Resolution. As the Honourable the Home Member himself has been to the Deoli jail and has inspected the conditions there, I was surprised to hear the arguments which he advanced in his favour. His argument was that he went to the Deoli jail and in that jail he went *incognito* to give an impression to the Deoli jail people, to the prisoners and to the detenus as if he was a P. W. D. officer. At the same time, his argument was that he did not receive any kind of complaints against the jail authorities or the conditions in the jail. I fail to understand the sequence of these

two arguments which he has advanced. If a person goes there *incognito* how is it possible for the prisoners to go to him and to explain to him the conditions prevailing in the Deoli jail? I appeal to this Honourable House whether it stands to reason that when a person goes there *incognito*, how is he to be approached? How are the prisoners and detenues to represent to him the conditions prevailing there and is it possible that a detenu would dare to approach the Honourable the Home Member under those conditions? I submit it is absolutely impossible and, therefore, the argument that has been advanced by the Honourable the Home Member on this point falls flat. I submit that he ought to reconsider his argument and consider the pitiable condition of the detenues in the jail. As detenues, what rights have they in the jail? Have they any right to report either to the Government or to the Honourable the Home Member or even to their relations about the conditions in which they are kept? Is it possible for them to do this? I submit it is impossible. If they write to their parents, if they approach their friends or if they write about their case to the Provincial Government or even to a Member of this House, you can well imagine what would be the condition of those detenues in that jail. They will be submitted to all sorts of restrictions. Not only restrictions but all kinds of punishments will be given to them.

As I have risen to speak on this Resolution with a heavy heart, I would just ask the Honourable the Home Member certain questions only. Is it not possible for him to appoint, as my Honourable friend, Sir Raza Ali, said just now, a Committee just as the jail visitors are allowed to inspect the jail? I take every word that has fallen from the lips of the Honourable the Home Member to be the Gospel truth that the conditions that he found were satisfactory. Of course, they were satisfactory from the Government's point of view. But does he imagine that those conditions are in keeping with the rules which have just been read out by the Honourable the Deputy President before the House? Sir, am I to believe that the Honourable the Home Member, when he entered the Deoli jail had a copy of the rules in his hand? It is difficult for me to imagine he had the rules in his hand. If he did not have them in hand, did he have them by heart? How can he say that everything is all right in Deoli jail and that the Deoli jail prisoners are quite comfortable? I want to be sure that what I am speaking in the House today as regards Deoli jail prisoners should not injure their condition there. I should, therefore, like to avoid telling openly and frankly what I feel about the condition prevailing there.

The next point is this. How does the Honourable Member expect an old relative or an old mother or an old father of a detenu to go all the way to Deoli to interview the detenu. I understand Deoli jail is about 60 miles from the nearest railway station.

Mr. N. M. Joshi: It is 75 miles from Kota which is the nearest railway Station for people from the Bombay side.

Mr. Muhammad Azhar Ali: How does the Honourable the Home Member expect the poor old relatives to reach Deoli? The Honourable the Home Member said that he would be pleased to allow any Member of this House to see the Deoli prisoners. How can the poor relations of the detenues see them in Deoli? Is there any comfortable means of communi-

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cation? I admit there are busses. Is it possible for a man to travel 60 miles by bus and return the same day, for I understand there are no hotels in Deoli where these visitors could take their food and rest. What is the comfort provided for them? Therefore is it right on the part of the Honourable the Home Member to say that the conditions there are quite comfortable. (Interruption) I know it is quite comfortable for the Honourable Member to be sitting here and so why should he worry about the poor detenus? Have the Government arranged for the opening of any bazar or shop where the detenus could purchase their requirements. I am making these submissions to the Honourable Member so that he might take steps for making such arrangements, if they do not already exist for people who go to Deoli to visit the detenus.

As regards the appointment of a committee, I do not see why there should be any objection for the Central Government or the Provincial Governments to appoint a committee of their own trusted people.

Mr. President (The Honourable Sir Abdur Rahim) The House will now adjourn for Lunch and the Honourable Member can continue his speech after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly reassembled after Lunch at Half past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair.

Mr. Muhammad Azhar Ali: Sir, I was on the point of the functions of the Committee as proposed in the Resolution. One of their functions, it is reasonable to suggest, should be to see whether the rules framed for these detenus are fit for them and whether they are or are not properly observed. When the Honourable the Home Member was in Deoli he could not possibly see to every detail in connection with these rules. Therefore, the committee should be formed to examine the defects of these rules and see how they are working. The Honourable the Home Member was good enough to dub these people, whether detenus or satyagrahis, as men of bad character, and that, I submit is very strong and unjustifiable language. Many of them are people educated in English universities, as much as any Englishman in this House, and also graduates of Indian universities. According to Government's present ideas they may not be good people today, but many of these people, including our Congress friends in this House, were even running the Governments in the provinces, and it is quite possible that when the new constitution comes these very friends of ours on the Treasury Benches will work under them and call them men of high character. It may suit Government now to call them men of bad character, but tomorrow, if it suits their purpose, they will call them gentlemen of the first water.

Mr. N. M. Joshi: What do they call Mr M N Roy now?

Mr. Muhammad Azhar Ali: My submission is that they should work in spirit of co-operation with Indians. They are in the midst of a great war and these are days when a policy of pacification should be followed and they should not be harsh and indiscreet.

Mr. Deputy President (Mr Akhil Chandra Datta) The Honourable Member's time is up

Mr. Muhammad Azhar Ali: I will now only say that this Resolution should be taken as a good proposal from the side of the Opposition, and Government should be more conciliatory in their attitude and accept it

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division Non-Muhammadan Rural) Sir, I am surprised to see that there is an opposition even to this very modest Resolution which simply recommends to the Governor General to appoint a committee to examine and report on the conditions under which detenus under the Defence of India Act have to live in prisons. A man who has not been to prison as a detenu can hardly realise and appreciate the agonies of a detenu. The Honourable the Home Member goes *incognito* as a P W D officer and sees in Deoli Camp a happy family living there from day to day and perhaps he wished to exchange places with them. Why does he not change places with them? Their only crime is that they love their country and that they are anxious to have their own government. They cherish the philosophy of the communists or the socialists or the nationalists, and it is a crime to cherish them or any of these political philosophies. If it is not a crime for the British Government to send somebody as an ambassador to Russia, the fountain-head of communism, why should it be a crime to study the history and philosophy of communism here in India? I may tell, Sir, that there is no communism nor communists here, there may be students of communism. And those who study and appreciate communism are taken to be the greatest enemies of the British Government. These are men of education, culture and social status who all of a sudden are taken from their homes and deprived of the liberty to work for themselves and their families and kept in confinement, depriving even their families of their means of livelihood and sustenance, and the British Government shamelessly say they are justified because these are traitors and men of worthless character. Sir, I never heard a more unworthy speech on the floor of this House than the one delivered by the Honourable the Home Member this day. To abuse persons behind their backs, while they are kept in prison from an advantageous position is not worthy of the Honourable the Home Member. We know who these men are and what character they bear and education they have, and it really hurts us when a responsible official on those Benches speaks in this strain and in such language and I wish that he should withdraw those remarks that fell from his lips. The Resolution says "to report on the conditions." What are the conditions? Free people doing their daily duties, carrying on their day to day routine work, doing some political work for the country, are all of a sudden taken into custody and while they were expecting to have some sort, of even a mockery of a trial they are deprived of that privilege. Even the worst criminal, a proved criminal has a right to have a trial, but these political people these political workers in a slave country like India, are deprived of that privilege; and still this civilised government shamefacedly says that there is justification for this. The Honourable Member says the conditions in these jails are fine and that he keeps them comfortable within the jail precincts. They have been given a long space

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to walk and a badminton ground and some kind of sports too and that is enough. Sir, It is not enough for any man it cannot be enough for any one deprived of liberty. I say, this government ought to be more humane and more human. No doubt this government is passing through very bad times and it is not for us now to embarrass them further, but if they continue like this, I am sure they will have to repent for it.

The Resolution says 'suitable and adequate.' We want a committee to see if what is said here is true. From the picture that the Home Member has painted of the Deol prison, it seems to be a very happy place. But what is the harm if a committee is appointed to go and look at it and verify all that has been told here by the Honourable the Home Member? The Resolution further says 'if sufficient privileges are granted to them for communication.' I ask why do not Government give them ample latitude? 'Sufficient privilege' is indefinite. They may be given the privilege of writing according to their necessity. One may write one letter a week and another may write five letters a week. They cannot go on writing any number of letters, and, consequently, if Government do not fix any limit, they cannot lose anything by it. The Resolution then says 'whether their families are provided with suitable maintenance or not.' I say Government are bound to maintain them. Government take away the bread-winners or would be breadwinners of the family, all of a sudden. What would be the condition of such a family. The English people cannot appreciate what we mean by family. There family means a wife and a child or a minor son. It is not so here. Our families consist of old parents, widowed sisters, cousins and many dependants, and when you take away a breadwinner or prospective breadwinner of the family, you deprive the whole family of their grub, and that is not a desirable attitude on the part of the government. If the government has to deprive, then it must deprive after proving that such persons are undesirable. The words 'suitable maintenance' also are indefinite. A middle-class Bengali may live on a certain amount under certain circumstances. How can you fix 'suitable maintenance' unless a committee is appointed which can look into this? One cannot live happily unless he earns at least Rs. 2,500 a month, but perhaps he wants somebody else to live on Rs. 50 a month. That is the difficulty. Therefore, a committee should be appointed to look into the real grievances of these people who have been deprived of their freedom.

Clause (c) of the Resolution says 'whether those who are interned or externed under the Defence of India Act have difficulty in maintaining themselves or their families and whether it is necessary to give them any assistance.' It requires no argument. The Honourable the Home Member asked what we intend to do with convicts. Are Government to give them family subsistence? Sir, convicts are generally those who have been proved to have committed some immoral act, who have been charged with some acts of moral turpitude. None of these things is applicable in the case of political workers. They have neither been proved to have committed any immoral act, nor to have committed anything treasonable or anything like it. Nothing has been proved against them. Unless you prove that they are guilty of something, you cannot punish them. This is bad in principle and in practice it cannot be better. Therefore I support the Resolution with the following words.

The unworthy remarks made by the Honourable the Home Member should be withdrawn with regard to persons who have been incarcerated without any proof and without any trial. It is indeed a matter of pity that we should find the Honourable the Home Member saying here that these men are of worthless character and are traitors. Traitors to whom? Why should the Honourable the Home Member be allowed to use these words which are not worthy of him? Sir I do not wish to use stronger terms? With these remarks I support the Resolution.

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official) Sir, I oppose this Resolution, because I think it is against the Defence of India Act.

Mr. M. S. Aney: Please speak up. I thought you supported it.

Major Nawab Sir Ahmad Nawaz Khan: I supported the other side of it and not your side, because I think that it is against the real object for which the Defence of India Act was framed. The object, I think, for demanding such a committee is to give more and more concessions to the detenus—it is not to reduce the present concession. The other objectionable and dark side which I see of giving more concessions is that it will give a lead and persuasion to many people to commit such deeds against the Government and the Defence of India Act, as a device to enjoy those concessions.

An Honourable Member: Horrible!

Major Nawab Sir Ahmad Nawaz Khan: It may seem to you horrible, but if you will allow me, I will prove how many people will do this if you give them so many enjoyments and concessions. Long ago when there was such a Resolution or discussion—I believe in 1931 or 1932—for prisoners or detenus in connection with the Bengal terrorists, the same objection was raised by many other Members and myself too that we should not show our sympathy for such persons, which the law does not require nor give them so much concession that other people should commit the same crimes. Now the point worth consideration is that the Defence of India was made solely with a view to stop such mischievous activities so that they may not interfere with the peaceful administration and the war efforts all over the country. If there had been no war, I think we could have extended the sympathy of this House to our countrymen who are in jail but the conditions at present are altogether different.

Mr. N. M. Joshi: What did you do last time when we discussed the case of terrorist prisoners?

Major Nawab Sir Ahmad Nawaz Khan: Therefore, I think that it is in the interest of Indians themselves that we should first look to achieving success in war and everything else should follow later. Now Sir, if this Committee is appointed there will be another difficulty and it is this Hindus, Muslims and others according to their mentality and political creed, will differ, and I am sure, and I can safely predict that

[Sir Ahmad Nawaz Khan.]

there will be no unanimity among the members of the Committee on this question. All of us Indian Members know our own defects,—I need not elaborate that point,—and I am really very sorry and ashamed of our own defects,—but we hide them. We ought to express our own defects so that we may remedy them. Now, what is the real cause of the present deadlock? Everybody knows it, but we Indians throw the blame on the Government, but the real cause is our own disunity, and the same disunity will be introduced among the members of this Committee. The result will be waste of time and energy without achieving any good to anybody.

As the Honourable the Home Member has explained, the Government do not wish to inflict any real hardship on any of these people knowingly or intentionally. I do admit—one thing which is somewhat irrelevant and I shall not discuss it in detail here—that—sometimes it does happen that on account of our own mutual jealousies, private hostility and enmity, we try to entangle some innocent persons or do exaggerate matters,—but that point is not to be discussed here and, as I said, it is irrelevant to talk of it now. The Committee will have nothing to do with such cases, because such cases are really often rare. Of course, such cases do occur, but we need not discuss that matter now. My friend, Mr Azhar Ali, said, that these people who are being detained today might perhaps become Ministers tomorrow or some of them were Ministers yesterday, but I must remind him that the law has to take its own course. The present law under the Defence of India Act says that any person who commits a prejudicial act will be dealt with according to its provisions. That is the present law, and, therefore, action has been taken against these people. But if tomorrow that law is changed and some of the very same people may be made the Premier in this country, because the whole law will be changed then. We have to look to the time and to the law for that time. The same is the case not only in India but all over the world. When there is a change of party, those belonging to the previous party are sometimes hanged or tried and punished. Therefore, it is not reasonable to say that because the law might be changed tomorrow we should not treat these people according to the provisions of the law which is now in force.

An Honourable Member: Precautionary measures.

Major Nawab Sir Ahmad Nawaz Khan: I say the law should be made more stringent so that such undesirable people may not repeat their mischievous activities easily.

Mr. Muhammad Ashar Ali: And then you will be hanged.

Major Nawab Sir Ahmad Nawaz Khan: I know many Honourable Members will be hanged and I will not be the last person to be hanged. I think the Mover of this Resolution has already achieved his object, that is, to show to his countrymen that he did his best for these people, but on account of certain opposition he could not be successful. So I congratulate him, because he has succeeded in his object in both ways, but I would advise my friends here to see that war efforts should be attended to first, and everything else can follow afterwards. **Sir,** I oppose the motion.

Qazi Muhammad Ahmad Kasmi: Mr Deputy President, the time at my disposal being short, I will take up the question of restrictions first. The Honourable the Home Member was pleased to remark that restriction orders are being very carefully used in Bengal, but I would like to draw his attention to the way in which these orders are being put into effect, in a province which lies directly under the nose of the Central Government itself. I shall just read out for his information one of the notices that are usually served on alleged political workers some of whom had never acted as political workers, and even when they say that they have nothing to do with politics at present. Some of these people are of course political workers, but I do not think that any such orders as the one I am going to read out are justified in the case of either people who are actual political workers or who are believed to be political workers—they having taken at some time of their life a part in political affairs. This is what this notification says:

"Whereas the Chief Commissioner of Delhi is satisfied that it is necessary to make an order under sub rule (1) of rule 26 of the Defence of India Rules in respect of Sami Ullah, son of Nasir Ullah, by origin a resident of the Hardoi district in the United Provinces but more recently living in Kucha Chelan in the Faiz Bazar Police station area of the Delhi City with a view to preventing him from acting in a manner prejudicial to the defence of British India and the maintenance of public order

Now, therefore, in exercise of the power conferred by the sub rule cited the Chief Commissioner is pleased to direct that the said Sami Ullah

- (1) shall reside and remain within the limits of Delhi Municipal Ward No 11 and shall not go outside those limits except in so far as it may be necessary for him to do so in order to fulfil the requirements of the next direction, and
- (11) shall attend the Faiz Bazar Police station every day at 8 A.M., 12 noon, 4 P.M. and 8 P.M. and report his presence to the officer in charge of that police station or such other police officer as the officer in charge may appoint for this purpose, and
- (111) shall not without the previous permission in writing of the District Magistrate of Delhi join or continue in any meeting or procession of more than twelve persons other than a meeting or procession of a purely domestic or religious character.

This order shall remain in force until revoked or modified by the Chief Commissioner."

Now, Sir, this is a notification which cannot be justified. 'To call upon a person to remain within a particular limit in the city of Delhi is totally unjustified without assigning adequate reasons. And what is that particular limit?' You will be astonished to know that it does not cover even 1/12th part of the area of Delhi. The person who has been served with this notice happens to live near the Juma Mosque, and that mosque happens to be outside the limits specified in the order, he cannot go there to say his prayers, as he is allowed to move about only in Ward No 11. Again a person is asked to attend the police station so many times, and sometimes the police station happens to be a mile away, and so if a man has to attend the police station four times, it would mean he would have to walk eight miles day. The result is that he cannot go and attend prayers in the mosque which is just across the road from his shop. It is in such a connection that one person has probably been convicted or action taken against him by the authorities because, according to the prosecution the offence was, not that he went to the graveyard, but only attended the 'fatiha' (prayers) ceremony of his sister. I can tell the Honourable Member if he wants to make enquiries as to what sort

[Qazi Muhammad Alunad Kazmi]

of persons have been served with such orders. I have got a letter from one Alauddin. He is a man of about 70 years of age. Both his eyes have been operated upon for cataract some time back and he was doing a little work as an agent. He says

"I work as an agent and have got to go in and out of city for supplying goods, and I have a shop in Barai Hafiz Banna. But from 18th December, 1940, when the restriction was imposed, the whole of my business has been upset and it is difficult to maintain myself which is becoming very troublesome (*I am just reading the translation*). Both of my eyes had been operated upon for cataract, and due to this I feel considerable difficulty in going to the police station at 8 in the night and it is not possible for me to walk without a guide and I cannot even see without spectacles during day time. I was operated upon for cataract in Dr. Shroff's hospital. Now that I am deprived of getting the medicine my eye sight is getting still worse. These are the facts about myself."

I will just read out another case. A person who had been served
 P M with this order wanted to go on the last Id occasion to say his prayers in the *Idgah*, and this is how he was treated. What the authorities do is they do not commit themselves in writing. They only communicate their orders through the sub-inspector or some other officer and keep themselves in the back. This is a letter by one Muhammad Usman.

"With reference to your order dated the 18th December, 1940, under sub rule (1) of rule 26 of the Defence of India Rules, I, Mohd Usman, son of Munshi Abdul Khaliq, beg to state that I have been a member of Majlis Ahrar for a time and have attended the Procession and Public Meetings in different manners. But now I have left that and have no interest in Politics."

I am working as a compounder in Dr. Noor Ahmed Dispensary and have no time to take part in Politics.

Your good self have wrongly been informed that I am taking part in any activities which is prejudicial to the defence of British India.

In such case it is very troublesome for a peaceful citizen to abide by your order as I have to go in every part of the city for dressing and to collect the money of the bills. Besides I use to go to listen to the Holy Quran at Masjid Junglawali at Baia Hindu Rao early in the morning. I hope your good self will permit me to go there, as you have allowed to join the purely religious gathering with the permission of the District Magistrate of Delhi.

Your order proves a hindrance in my services which will remain no longer, and the attendance of four times in the Police Station at Hauze Kazi is more troublesome and dangerous for my services. Will you kindly taking this into consideration remove the ban imposed on me, for which I will be highly obliged.

You can guess the result. The man is still under the same difficulties and is probably about to be removed from the service which he was having in the hospital.

Dr. P. N. Banerjee (Calcutta Suburbs Non-Muhammadian Urban) is Majlis Ahrar an illegal association?

Qazi Muhammad Ahmad Kazmi: Practically an illegal association. Then

The Chief Commissioner, Delhi

Sir,

I am in receipt of your reply of my letters dated 21st December, 1940 and 2nd January, 1941, through Mr. Ajaz Hussain Shah, C.I.D., Inspector yesterday morning. He says that you are not ready to think over my case at present and even you are not allowing me to go to Idgah to say my prayers, it means that you are interrupting my religion.

Id prayer is said in an open ground, for that Idgah is built, so I am forced to say my prayer in Idgah on January 9 1941

As you have allowed me in your order of the 18th December, 1940, to attend the religious processions and meetings in my ward No 6 but Idgah is out of ward, so I must be allowed to offer my prayer, religious gathering at Idgah. If you do not allow me to say my prayer at Idgah then I will understand that you are interfering with my religion which you or any law has no right to interrupt

Please allow me in writing to offer my prayer at Idgah on January 9, 1941. The reply must be sent till the morning

Dated 6th January 1941

The result was that no reply was received and the man could not go. The question is as to how far these regular attendances at the police station and this restriction to go along only on one side of the road and not to go on the other side can be considered to be restrictions in the interest of the defence of India. It may be meant for striking terror or horror in the minds of the people, but to say that this is meant really to restrict any anti-war activities is absurd on the very face of it. There happen to be 13 or 14 such notices issued in Delhi and the result is that people are hampered in their work and are suffering very badly from the consequences of these restrictions. I would not bother the House with many more quotations, but I will just read out one more. He is a gentleman who has got a shop. He says

"I have got a shop in Sarai Hafiz Banna. I pay Rs 52.90 per month as rent. In addition to my personal expenses I have got to pay Rs 85 to my servants and this year I have to pay income tax amounting to Rs 80.10. My business is mostly with outsiders and I have got to sell goods on credit. But on account of this restriction neither can I go out of the ward nor can I go to another ward for purchasing any goods on account of which my business is suffering very badly. I have not got even half the custom that I used to have before. You can very well understand as to how my business will be affected."

These are some of the specimens which I do not think the Honourable the Home Member will feel can be justified under any circumstances.

If such is the condition in Delhi itself, you can very well imagine what will be the condition in other places about which the Honourable the Home Member has only got assurances and has not seen the thing himself. Now, so far as the persons who are interned are concerned, I have got to make one submission. It is all very well for the Government to say that they will have to undergo a considerable amount of expense and worry in bringing cases against these persons and therefore they have kept these persons in jail without any trial, but the mere fact that they are not brought to trial is an admission by the Government that it is not possible for them to prove their case. Otherwise it is only an assertion or allegation which cannot be proved in regard to persons against whom the provisions are being worked. Are the Government prepared to appoint an impartial judicial committee who will take evidence against the various persons who have been detained in jails and come to a conclusion as to whether the allegations made by the Government against such persons can be proved in a court of law. Whatever the reasons may be which make the Government unwilling to take these cases to the courts.

Mr. Deputy President (Mr Akhil Chandra Datta) The Honourable Member's time is up.

Qazi Muhammad Ahmad Kazmi: I am just finishing. My submission is that these persons detained without a trial and without being charged cannot be punished. Their activities can be restricted but no more is to

[Qazi Muhammad Ahmad Kazini]

be done against them and to compare them with the A class or B class prisoners who are in jail on account of certain offences committed by them is not correct. These are persons who have not been tried and who have not been convicted of any offences. The utmost that the Government can do is to restrict their liberty but they cannot come in the way of their amenities of life. With these words I support the Resolution.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions. Muhammadan Rural) I move for closure.

Mr. N. M. Joshi: Nobody wants the closure now.

Mr. Deputy President (Mr. Akhil Chandra Datta) Mr. Deshmukh.

Mr. Govind V. Deshmukh (Nagpur Division Non-Muhammadan) Sir, Mr. Joshi in urging for better treatment for detenus put his case like this. He said 'give the detenus the same treatment that you are giving to the Germans and Italians, who are fighting against Britain' and we incidentally happen to go to war with Britain. He put his case very strongly. The Honourable the Home Member drew a distinction between these two cases. I am sorry he is not here at the moment. He said that the Italians and the Germans are loyal to their Government and their country. Indians are loyal to their country, but they are not loyal to the Government of this country as established by law today, whatever that law is.

An Honourable Member: Lawless law.

Mr. Govind V. Deshmukh: I think he was committing the greatest blunder in putting his case that way. There is no distinction at all. The Germans and Italians are trying to subvert this Government and the British Government in England. Challenges have been thrown on the floor of this House, but are not accepted by the Government to prove the case against the detenus. They assume that these people want to subvert the Government of this country. Well, assume it. You find that Germans, Italians and the detenus want to subvert this Government. Where is the distinction? I find no distinction at all. It is on all fours with the Germans and Italians who are fighting this country and Great Britain. So, I submit that Mr. Joshi's argument is very sound. There should be no preferential treatment so far as the Germans and Italians are concerned.

An Honourable Member: What about the case of De Gaulle?

Mr. Govind V. Deshmukh: Mr. Joshi put his case very strongly. There is no argument so far as that plea is concerned. Then we are told by the Nawab of Dera that conditions there are so nice. As a matter of fact they are enjoying themselves. (The Nawab of Dera rose to interrupt.) I am not giving way. The reply to that argument is in the figures given by the Honourable the Home Member. In a population of 82 crores whom starvation is staring in the face, only 606 persons have gone there. If the conditions are so enjoyable at Deoli, I hope the Major Sahib will not be tempted to go and visit that place and ask to be treated as a detenu. Then we are told that there were no complaints.

The Honourable the Home Member has said that he went round and found nobody approaching him with any complaints. It had not been given out that a P W D officer was coming, very likely the detenus would have taken it into their heads to complain. We are told by previous speakers that among the detenus are professors, journalists and all sorts of persons. If they had gone to a P W D officer and made complaints, the officer would have told them 'Nonsense, you call yourself professors and journalists and come to me with complaints, a man who repairs arches bridges and buildings. Have you not got sense enough not to approach me'. It would have been better for the Honourable the Home Member to announce that he was going to pay a visit and that those who had any complaints to make may approach him and make the complaints. I am quite sure that in that case the detenus would have come forward to make complaints. They did not want to make complaints to the wrong man. Then again we are told by the Nabab-the-Major what is the good of having a committee like this? When we want to go into this question of comforts, then the question of Hindu and Muslim would arise. Well, Sir, so far as the detenus are concerned, they are a brotherhood by themselves. The treatment they get is all under the same rules, whether they are Hindus or Muslims and I think that this Resolution is intended to remove the grievances of the detenus irrespective of caste or creed or faith and therefore, the Resolution deserves the support of all. I, Sir, have full faith that this resolution would be supported by this House. It has been suggested that "there were no complaints, and there are no complaints, there can be no complaints, because we are administering the rules so nicely, the rules by themselves are so nice, the comforts given are so enjoyable, etc." If that is so, then why are you afraid of having a Committee? Why not appoint a Committee of non-officials to strengthen your hands and say, "this is what I told you, well, there is a report which endorses my speech on the floor of the House"? Why are you afraid of shunning this inquiry and getting a report? Sir all through out the debate all that has been emphasized is that a Committee should be appointed, and that a report should be made, but I wish to emphasize these words "immediate steps" in the Resolution which have not been up till now emphasized strongly.

'That this Assembly recommends to the Governor General in Council that he should take immediate steps to appoint a Committee to examine and report without delay.'

Well what I submit is this, that if any Committee is appointed—I have not got any hope that this Resolution will be passed—it can do no wrong to the Government. However, I hope the Governor General in Council, to whom this request is made, will be gracious enough to have a Committee and dispel the fears of persons who are either detenus or connected with the detenus. Let me say one or two words more. What happens is this,—particularly in certain cases this has happened,—a person is arrested. Very likely in the dead of the night he is taken away. His father who is an ailing person is in the House. It may be there are others also, a family is dependent on him. If this man is all of a sudden taken away, what happens is this. It is not only that he suffers or is made to suffer, but the whole family. What the Government is a matter of fact does is this; they are killing so many birds with one stone. They are getting hold of one man and thereby making the whole family suffer; in other words, they say, there is the indirect responsibility of the whole

[Mr Govind V Deshmukh]

family for the acts of the detenu. It is said, "it is not we who let the family down but the detenu himself, therefore, we are not in any way responsible for the sufferings of the family." I submit they cannot ignore this moral responsibility, they must discharge this responsibility of seeing that such persons who are really solely dependent on a person who is the mainstay of the family, if he is taken away, are cared for, and then the family should be maintained. With these few words, Sir, I support this Resolution.

Major Nawab Sir Ahmad Nawaz Khan: On a word of personal explanation Sir. I only said that the conditions should not be made so attractive. There was a challenge from my friend, Mr Deshmukh.

Mr. M. S. Aney: This is no personal explanation.

An Honourable Member: I move that the question be now put.

Major Nawab Sir Ahmad Nawaz Khan: I said that the conditions should not be made so attractive.

Mr. Deputy President (Mr Akhil Chandra Datta): This is no personal explanation.

Major Nawab Sir Ahmad Nawaz Khan: I never said that Mr Joshi was going to please his constituency,—I said, to his countrymen.

Mr. N. M. Joshi: Mr Deputy President, I would like at the outset to thank the Muslim League Party and the Nationalist Party for the whole-hearted support they have given to my Resolution and the proposals contained in that Resolution. Sir, some of my Honourable colleagues have blamed me for making my Resolution a very modest one. Unfortunately, Sir, that is my fault. I am always a moderate and a practical man and I have no need to apologize for making my proposal a very modest one. Sir, the Honourable the Home Member in his speech I thought rather irrelevantly made some remarks about the character of the detenus. I feel, Sir, the Honourable Member was carried away by his enthusiasm in opposing my very modest proposal. Otherwise such an experienced man like the Honourable the Home Member would have seen that the remarks about the character of the detenus were not called for. I feel that his remarks were not only uncalled-for but unjust and unfair, undignified and, if I may say so about a very prominent Member of this Assembly, very irresponsible. The Honourable Member said that these detenus were men of bad character.

An Honourable Member: Worthless.

Mr. N. M. Joshi: He said they were worthless. He said he hoped I had no friends amongst them. Mr Deputy President, I have a number of friends amongst them, and not only that.

An Honourable Member: You must then be of a bad character.

Mr. N. M. Joshi: I am proud of having their friendship as much as I would be proud of having the Honourable the Home Member as my friend. Mr Deputy President, I know some of the detenues very well. I know there are young men amongst them of whom every father would be proud. I do not know whether the Honourable the Home Member has a son or not, but let me tell him that amongst the young men whom he has detained in jail, there are young boys who will not be found to be less worthy than his own sons if he has any. I know of a young man whose father is as wealthy as the Honourable the Home Member. I am sorry that the Honourable Member should have called these people also "traitors." They may be mistaken about the methods, which they are following. But a Britisher who engages himself for the sake of pay in holding a foreign country in bondage should call an Indian who fights for the freedom of his country—it may be in a wrong way—to be a traitor is thoroughly unjustified. Sir, I am not a communist, I am too much of a democrat to be a communist. But to call the communists traitors is unjustified. Sir, the Honourable the Home Member said that he gives better treatment to the Germans and the Italians because he is forced to do so on account of the International Convention. Not only that—if he had stopped there, I wouldn't have said much—but he went further and said that, he did not see much fault in them except that there is a war between Great Britain and Germany and Italy. He should have known that amongst them there are Nazis and Fascists. It is not a fault to be a Nazi or a Fascist in the eyes of the Honourable the Home Member, but it is a fault to be a communist and to be a revolutionary. Well, Sir, I cannot accept his doctrine that a Nazi or a Fascist is a man who does his work by constitutional methods and he is a revolutionary. He objects to a man being a communist and a revolutionary. So, in the opinion of the Honourable the Home Member the Fascists and the Nazis who are in the Concentration camp in Ahmednagar have no other fault. But it is a fault, a great sin, to be a communist and a revolutionary. I hope the Honourable the Home Member will re-examine his views as regards the comparative merits of a communist and a revolutionary on the one hand and a Fascist and a Nazi on the other. His Government has been telling the whole world that they are fighting the Nazism and Fascism and he, from his place in this House, sees no fault in being a Nazi and a Fascist. Well, Sir, I shall not deal with that question any further.

The Honourable the Home Member told us in the first place that there were only 700 people in the jails. He did not give us the number of people who were interned or externed. He did not know their number perhaps.

The Honourable Sir Reginald Maxwell: I did give the figure to the Honourable Member.

Mr. N. M. Joshi: I am sorry I did not hear the figure which he gave.

The Honourable Sir Reginald Maxwell: I said that the number was about 700.

Mr. N. M. Joshi: He told us that those people who were detained in jails were 700.

The Honourable Sir Reginald Maxwell: I said that the number of restricted was also about 700. I was asked after my speech and I gave the figure

Mr. N. M. Joshi: So, the number of the people who were detained was 700. Then, he said it is not a very large number. It all depends upon what standard we place before ourselves. A man who does not like to imprison people or detain people and who believes in freedom as I do will consider the number of 700 to be a very large one. The Honourable Member who sees no fault in being a Fascist and a Nazi considers the number 700 to be a very modest and a small one. It all depends upon the view which we take and the respect that we pay to freedom. To me it is a very large number. Then, he gave a description about the paradise that exists at Deoli. I would like the Honourable Member to go there and live there for a year. Then he will know what a hell mere detention in jail makes of a life. You may give all the facilities to a man and a palace to live in, but if he is in a jail in that condition he would prefer to be free and be even a poor man. Unfortunately, the Honourable the Home Member is not going to be in a prison nor even interned or interned.

Sir, I do not wish to go into the details of the question. The Honourable Member said that his Government do not want to pamper the detenus. Well, Sir, I am not asking the detenus to be pampered. I want the detenus to be treated justly and fairly. My first demand was that they should be given all the facilities in the jail and he said Government are doing for them all they could. Unfortunately, there is a difference of opinion. I and the other Members of the House feel that the Government are not doing what they ought to do. Moreover, we differ in facts. He told me that in all the jails soaps are being provided. My information is that they are not provided everywhere. He said that a man can get his tooth extracted without paying. He said that the toothache could be removed at Government expense. My information is that he is not right in making that statement. I also suggested that the families of the detenus should be given some allowances. Then, he said that these detenus are making very extravagant demands. He told us that somebody's brother writes that on account of the detention of his brother, he is deprived of his means of subsistence. Well, Sir, it is true that in India we consider the younger brother to be a responsibility of the elder brother. Perhaps in his own country that may not be so, but I know something of Great Britain and I know that even in Great Britain an elder brother will consider it to be his responsibility to maintain his younger brother if he has no parents. Sir, the Honourable the Home Member told us that there are 12 people out of 700 who are getting family allowances. I would like this question to be examined as to how many of these 700 people deserve an allowance for maintaining their families and for their own small needs. If after the examination it is found that it is only 12 people who need this assistance, then the Legislature will have no complaint. I know something about the needs of these detenus. I make it my business to inquire whether there are any of them who need some help. I have a small fund at my disposal. We have a Committee and we use it quite properly. I sometimes inquire into the needs of the detenus and I am quite sure in my own mind that

if I begin to help all the deserving cases, my fund would be exhausted in a short time. I am not therefore talking of the needs of the detenus without having some knowledge of their needs. The Honourable Member said that the number of applicants for assistance for their families is not very large. That fact shows that the detenus are not people who will write to Government for assistance to their families unless they have a real need. I have knowledge that some of the detenus in Nasik have already applied to the Government—I do not know whether they have applied to the Central Government or to the Provincial Government of Bombay. I do not yet know whether the Central Government or the Provincial Government of Bombay, to whomsoever they have written, have sanctioned those applications. I do not know their number exactly. I have copies of some of the applications which they have sent. The Honourable the Home Member himself admits that at least in some cases it is the duty of the Government to help the detenus by giving allowances to their families.

Then, Sir, the Honourable Member has not realised that although you give the detenus the privilege of interviews, they cannot avail of this for want of money. I know it costs about Rs 75 for a family to go to Deoli. I have some friends in Deoli and it is not easy for the wives of these people to go to Deoli every fortnight even though the Government have given them the privilege of having two interviews a month. I would, therefore, suggest, that the Honourable the Home Member should consider not only the question of the maintenance of the families of the detenus but to give railway fares to the relatives of the detenus who want to have interviews with them.

Sir, I do not wish to go into further details. But I would say one word about the argument which the Honourable the Home Member used in opposing my demand for the appointment of a committee. The Honourable the Home Member asked me what would be the function of this Committee. Well, Sir, the first function of this committee will be to examine, after looking into the condition of the detenus, whether the rules made by the Central Government and by the Provincial Government are just and fair and meet adequately the needs of the situation, they should also see whether the rules made by the Government of India are being actually followed in all jails and prisons not only in provinces, but even in the Central jail at Deoli. I do not know what the rules are about the prisoners associating with each other, but I know that in Deoli, as the Honourable the Home Member described, there are two divisions of prisoners, the first and second division. These divisions are arbitrarily made. A man of the second division may have friends in the first division with whom alone he has friendship, but some people have the misfortune of being put in the second division and they cannot mix with other people.

The Honourable Sir Reginald Maxwell: Snobbery.

Mr. N. M. Joshi: It is not a question of snobbery, but it is a question of friendship. To my Honourable friend, it is snobbery but these people are not snobs. You have to choose your friends on account of similarity of temperament and of interest. The Honourable Member talks of snobbery. Let me assure him that if he would abolish all the classes in jails

[Mr N M Joshi]

and prisons and in the concentration camps, he will always have my vote. I have always considered this division among the prisoners to be a wrong thing, to be an obstacle for jail and prison reform.

Mr. Deputy President (Mr Akhil Chandra Datta) The Honourable Member's time is up.

Mr. N. M. Joshi: It is the Government of India who have introduced this snobbery if anybody has done it.

I do not wish to say anything more except this that this committee, if appointed, has got enough work to do in examining the rules, in seeing that the rules are enforced or not and also in examining whether the Government of India have made sufficient provision for the destitute families, and for the needs of the detenus themselves.

Then, Sir, I should like to make one suggestion before I sit down. It is true that a temporary committee will not meet the needs of the situation. There would be necessity for a permanent advisory committee to the Government of India and to the Provincial Governments in advising them whether assistance to the families is necessary or not, in particular cases. I hope, Sir, that the Honourable the Home Member will reconsider the view which he has taken about my Resolution and that he will bow to the public opinion of this House and accept the Resolution. If he does not do so, I hope the House will know how to do its duty and they will vote for my Resolution.

Mr. Deputy President (Mr Akhil Chandra Datta) The question is

"That this Assembly recommends to the Governor General in Council that he should take immediate steps to appoint a committee to examine and report without delay

- (a) whether conditions under which the detenus under the Defence of India Act live, to live in prisons are suitable and adequate, and sufficient privileges are granted to them for communication outside by way of letters and interviews, and, if not, what improvements should be made therein,
- (b) whether their families are provided with suitable maintenance or not, and, if not what assistance Government should give them,
- (c) whether those who are interned or externed under the Defence of India Act have difficulty in maintaining themselves or their families, and whether it is necessary to give them any assistance from Government, and in case it is necessary, what should be the amount of such assistance."

The Assembly divided

[At this stage, Mr President (The Honourable Sir Abdur Rahim) resumed the Chair]

AYES—23

Abdul Ghani, Maulvi Muhammad
Abdur Rasheed Chaudhury, Maulvi
Aney, Mr M S
Azhar Ali, Mr Muhammad
Banerjee, Dr P N
Chattopadhyaya, Mr Amarendra
Nath
Das, Pandit Nilakantha
Datta, Mr Akhil Chandra
Deshmukh, Mr Govind V
Essak Sait, Mr H A Sathar H
Ghiasuddin, Mr M
Ghulam Bhik Nairang, Syed

Ismail Khan, Haji Chaudhury
Muhammad
Joshi, Mr N M
Jalchand Navarai, Mr
Maitia, Pandit Lakshmi Kanta
Muhammad Ahmad Kazmi, Qazi
Murtuza Sahib Bahadur, Maulvi
Syed
Panna Nand Bhat
Raza Ali, Sir Syed
Sant Singh, Sardar
Zafar Ali Khan Maulana,
Ziauddin Ahmad, Dr Sir

NOES—40

Abdul Hamid, Khan Bahadur Sir
 Abdul Hamid, Khan Sahib Shaikh
 Ahmad Nawaz Khan, Major Nawab
 Sir
 Bewoor, Sir Gurunath
 Boyle, Mr J D
 Buss, Mr L C
 Caroe, Mr O K
 Chapman Mortimer, Mr T
 Clow, The Honourable Sir Andrew
 Dalal, Dr R D
 Dalpat Singh, Sardar Bahadur Cap-
 tain
 Deheja, Mr V T
 Frampton, Mr H J
 Ghuznavi, Sir Abdul Halim
 Gidney, Lieut Colonel Sir Henry
 Gwilt, Mr E L C
 Ikramullah, Mr Muhammad
 Imam, Mr Sayid Haidei
 Ismael Ali Khan, Kunwar Hajee
 James, Mr F E
 Jawahar Singh, Sardar Bahadur
 Sardar Sir

Kamaluddin Ahmed, Shams-ul Ulema.
 Kushalpal Singh, Raja Bahadur
 Lawson, Mr C P
 Maxwell, The Honourable Sir
 Reginald
 Mazharul Islam, Maulvi
 Miller, Mr C C
 Muazzam Sahib Bahadur, Mr
 Muhammad
 Mudalvir, The Honourable Diwan
 Bahadur Sir A Ramaswami
 Mukhaiji, Mr Basanta Kumar
 Pillav, Mr T S S
 Rahman, Lieut Colonel M A
 Rao, Sir Raghavendra
 Shahban, Khan Bahadur Mian Ghulam
 Kadir Muhammad
 Sivaraj, Rao Sahib N
 Spence, Sir George
 Staig, Mr B M
 Tyson, Mr J D
 Zafullah Khan, The Honourable Sir
 Muhammad
 Zaheer Mr Sayid Hasan

The motion was negative

RESOLUTION *RE* APPOINTMENT OF THE CHAIRMEN OF CERTAIN
 PORT HAJ COMMITTEES AS *EX-OFFICIO* MEMBERS OF THE
 LOCAL PORT TRUST BOARDS

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh Muhammadan
 Rural) Sir, I beg to move

"That this Assembly recommends to the Governor General in Council that the
 Chairmen of the Karachi, Bombay and Calcutta Port Haj Committees be appointed
ex officio members of the Port Trust Boards of Karachi, Bombay and Calcutta,
 respectively"

Let me begin by saying that no less than twenty thousand pilgrims
 embark and disembark from these three ports. And the Chairman of the
 Port Haj Committee of Karachi, in a long letter to me, explained the
 difficulties of the pilgrims in embarking and disembarking from that port
 and also the other two ports. He suggested that I should move a Resolu-
 tion and Government may be moved to take three members of the three
 Port Haj Committees, preferably their chairmen, as *ex-officio* members in
 the Port Trust Boards.

What is the position of these Port Trust Boards? Half a century ago,
 these Acts were passed forming these Boards in the various
 ports. Nothing has since been done, although many changes
 have taken place to revise these port Acts. Speaking of the Calcutta Port
 Trust, there are 19 members, and the House will be shocked to hear that
 there are only four Indians among those 19 members. What is the
 position of the trade? I will give you an instance at once. The Muslim
 Chamber alone has got about 26 crores worth of the export and import
 trade, and the Indian Chamber, Calcutta, has 38 crores. The total, I
 believe, is 130 crores. Of this 130 crores, 38 crores is handled by the
 Indian Chamber, and 26 crores is handled by the Muslim Chamber. Still
 the position is that we have got 4 out of 19 representatives in the Port

[Sir Abdul Halim Ghuznavi]

Trust Board Taking Calcutta again,—of the 19 Commissioners, the Bengal Chamber of Commerce—the European Chamber—has 6 representatives there. The Chairman is an Englishman, and the Deputy Chairman is also an Englishman. Then, there are the Agents who are *ex-officio* members. There are 7 *ex-officio* members, and 12 elected, of whom we have got only 4. In Bombay, the number of Indians is 12 out of 22—not much—and I have not got the trade figures probably that would have shown that the Indians had perhaps three-fourths, if not more, of the export and import trade there, and still they have only 12 out of 22. Similarly, in Madras, with 15 members, there are only 5 Indians, and, in Karachi, out of 15 members, there are only 7 Indians. In Chittagong, out of 12, we have got only 4 Indians. My point in giving these figures is this: we have not got proper representation in these Port Trust Boards. No one is there to look after the comforts or discomforts of these pilgrims who go year after year in large numbers—not less than 20,000 a year—from these three ports. What happened this year? It is my personal experience as Chairman of the Calcutta Port Haj Committee. The Committee is not represented on the Port Trust Board. We begged of the Port Trust people

Mr. M. S. Aney (Berar Non-Muhammadan) Who is the Chairman of the Haj Committee?

Sir Abdul Halim Ghuznavi. Myself in Calcutta. We begged of these Port Trust people to put the boat at Outram Ghat, and not at Kidderpore. It would be very difficult for these people to go to Kidderpore, 7 miles from the centre where they had to stay, but Outram Ghat is only a mile. But there was no one there to consider the difficulties which the pilgrims had to undergo, and our request was denied, and these pilgrims had to go to Kidderpore for the Haj this year—they have not yet returned. Therefore, unless one of the members of these three Port Haj Committees is in the Trust Board, our difficulties will remain as now. If one of us is there, we could explain to the Port Trust Board how to give these facilities for embarkation and disembarkation.

Mr. M. S. Aney: Now you have got a Special Officer

Sir Abdul Halim Ghuznavi: The Special Officer is a Government official, and he has nothing to do with the Ports.

Then as regards the facilities for disinfection and medical inspection of the pilgrims, there is a note about a Haj Committee Report in 1929, which expressed its dissatisfaction with the arrangements for disinfection and medical inspection of pilgrims in the Port of Calcutta. Nothing has been done yet. The Chairman of the Karachi Port Haj Committee has written to me this letter

"The Karachi Port Trust Board has a right to send a representative to the Karachi Municipal Corporation, North Western Railway Advisory Committee and Karachi Port Haj Committee. While the Karachi Municipal Corporation, North Western Railway administration have reciprocal right to send each a representative on Karachi Port Trust, the Karachi Port Haj Committee has none. The Chairman of the Karachi Port Trust, Board is an *ex-officio* member of the Port Haj Committee."

Why should we not have the Chairman of these three Committees as an *ex-officio* member of the Port Trust Boards in these three ports? The

difficulties that I want to explain to the House are as follows. The reason which has induced us to come before this House to represent these grievances is that the House may vote with me in asking for a representation in these three Ports Trust. The Haj Inquiry Committee in 1929 expressed their dissatisfaction with the arrangements existing for disinfection and medical inspection of pilgrims in the Port of Calcutta, but nothing so far has been done—by the Port Trust Board of Calcutta. It will be certainly necessary to make more elaborate arrangements here, because in Calcutta there is no special *musafirkhana* or camp where pilgrims can be placed under observation as required under the provisions of Article 92 of the International Sanitary Convention, 1926, and individual inspection is carried out by the Port Health staff on the open wharf itself at Outram Ghat or at one of the berths at Kidderpore Docks, at whichever place embarkation of pilgrims may take place. The Haj Committees have always protested against the existing arrangements, and they say that the "manner in which pilgrims are examined by the Port Health staff is, to say the least, uncivil." Pilgrims are required to open their chests and stomachs before the crowd of people assembled around them. The medical inspection should, therefore, take place in a screened place and the pilgrims should be asked to enter the place one after another.

An Honourable Member: Is any one of the members a Muslim?

Sir Abdal Halim Ghuznavi. One is a Muslim member, a representative of the Muslim Chamber.

Now, these are some of our grievances, and if one of the members had been on the Port Trust Board, he could have persuaded the other members of the Board to agree with his views after telling them the actual difficulties of the pilgrims. They suggested that the pilgrims should be asked to enter the place of inspection one after another, but the Port Trust has not yet accepted this proposal. They are flocked together, and are asked to take off their clothes, and then they are examined in the presence of others which the pilgrims do not like. The Haj Inquiry Committee further said

"As the embarkation of the pilgrims takes up much time—sometimes extending to a whole day—a shed should be built near the steamer ghat for the comfort of pilgrims, their relatives, and friends, and the volunteers. There should also be arrangements for drinking water and for temporary lavatory. In the absence of any seating arrangements at Outram Ghat or at the Docks, the aged worn pilgrims are put to great trouble and hardship while awaiting embarkation for hours together. Adequate seating arrangement should also be made in future. It is reported that the question of improving existing arrangements at Calcutta for embarkation of pilgrims and their medical inspection and disinfection was taken up by the Public Health Commissioner with the Government of India a few years ago but due to the outbreak of the war it was definitely shelved for insurmountable reasons. The Port Haj Committee of Calcutta, have not taken up the question so far, but anything they propose to do will have to be done in co-operation with the authorities of the Calcutta Port Trust as no improvement of a permanent or temporary nature in the existing arrangements can be made without their active co-operation and consent. It will be the duty of the representative of the Committee on the Port Trust Board to secure that necessary co-operation as it is easier to achieve the object from within than from without. As no arrangement can be perfect for all time to come a representative of the Haj Committee is necessary to represent to the Trustees from time to time the difficulties experienced by the Haj pilgrims sailing from the port. The Trustees may like to lend a more willing and sympathetic ear to the grievances of the pilgrims when one among the Trustees is there to represent to them their difficulties."

Sir, I hope I have been able to make out a case as to why we want a member of the Port Haj Committees on the Port Trust Boards, because, as

[Sir Abdul Halim Ghuznavi]

I have said, unless one of these members is there, it is difficult for that Port Trust Board to realise the actual difficulties of the pilgrims, and if one member is on the Port Trust Board, he will be able to explain things properly to the other members and make them sympathise with the difficulties of these pilgrims.

I have also shown that all these improvements are necessary, speaking of the Calcutta Port for the moment,—because the Executive Officer has pointed out the impossibility of carrying out any of these improvements until and unless we have the active co-operation and sympathy of the Port Trust Board where we are not represented. Not one of us is there to explain the difficulties of the Haj pilgrims. That is my first ground. Then my next ground is, if the Government under some special Acts, can appoint some *ex-officio* members on Municipalities, Chambers of Commerce and the like, why can't they give a seat for a member of these Haj Committees on these Port Trusts to look after the interests of these Haj pilgrims. If a member of this Haj Committee had been on the Port Trust Board of Calcutta this year, the pilgrims who sailed recently would not have experienced the difficulties they had to. For instance, no mention was made in Calcutta as to when exactly the ship was to leave the port. That was, of course, a secret, and it had to be kept a secret because of the war,—and I can understand it—but surely the agents of the shipping company ought to have told confidentially at least the Chairman of the Haj Committee as to when the boat would sail. The only order that was passed was that these pilgrims had to assemble at these three ports at such and such an hour on such and such date. But look at the hardship of these poor pilgrims. They were not told that the ship would sail on a particular date. They were asked to assemble in the Calcutta Port before such and such date. And when was that fact notified? Just ten days before the ship was to leave the port. They assembled there. The Port Commissioners did nothing whatever to assist us. On the other hand instead of helping us, instead of the Outram Ghat where the embarkation generally takes place, they shifted to Kidderpore Ghat, nearly 7 miles away from Calcutta, where these poor pilgrims had to assemble for their examination.

Another reason why these Haj Committees since their formation are able to do good work is this. The pilgrims were not looked after well before, but the Government have also done their duty, and I congratulate them on assisting us as much as possible now and giving us certain facilities which they had not done before. These bodies should, as a matter of course, have got membership as *ex-officio* to these ports of embarkation and disembarkation. With these words, I move.

Mr. President (The Honourable Sir Abdur Rahim) Resolution moved

That this Assembly recommends to the Governor General in Council that the Chairmen of the Karachi, Bombay and Calcutta Port Haj Committees be appointed *ex-officio* members of the Port Trust Boards of Karachi, Bombay and Calcutta respectively.

Maulana Zafar Ali Khan (East Central Punjab Muhammadan) I lend my strong support to my Honourable friend, Sir Abdul Halim Ghuznavi's Resolution. Most of the time of the House today was taken up by Mr Joshi's Resolution and as we have a large amount of work to do still, I shall make a very brief speech. Placed as the House is, constituted as we

are at the present moment, arguments do not tell here 23 *versus* 40—that is the writing on the wall. So, I will not make use of any arguments. I will say only this, if it pleases Mr Tyson and if it please Sir Andrew Clow, the Resolution will be passed. Otherwise, Sir Abdul Halim Ghuznavi will have to follow in the footsteps of Mr Joshi.

What is the Resolution? Sir Abdul Halim Ghuznavi wants that in three places, Karachi, Bombay and Calcutta, where there are Haj Committees the Chairman of the Port Haj Committee should be taken as an *ex-officio* member of the Port Trust Committee. He has not said that the Chairmen of the Port Haj Committee at Calcutta, Bombay and Karachi should be *ex-officio* Chairmen of the Port Trust Committees there, although I should have liked him to frame his Resolution in those words. Not only nine crores of Mussalmans of India but the Mussalmans of Afghanistan, the Mussalmans of Central Asia and those of Baluchistan—are served by the Karachi Haj Committee. The same may be said of the Calcutta and Bombay Haj Committees. There is no Port Haj Committee in Madras, but I hope there will be one soon and then this matter will be taken up for consideration in connection with Madras. The interests of these lakhs and crores of Mussalmans must be safeguarded by the Government so far as the representation of their interests in the Port Trusts is concerned. I tell you that if *ex-officio* Chairmen of the Port Haj Committees are taken as members of the Port Trust Committees they will do something at least to safeguard the interests of the Mussalmans. If my Honourable friend, Sir Andrew Clow, will go through the constitution of the working of these Port Trust Committees he will find that there is not a single Mussalman there.

The Honourable Sir Andrew Clow (Member for Railways and Communications) Oh, yes, there is

Maulana Zafar Ali Khan Not worth the name. Possibly one per cent or half a per cent not more than that. My Honourable friends here laugh. Whenever we talk of safeguarding our interests they say we are communalists. What are we to do? We know perfectly well that in these Port Trust Committees the representation of the Mussalmans in substance is nil or very nearly nil, because there is nobody to represent their case. So, if the modest demand of Sir Abdul Halim Ghuznavi as embodied in this Resolution is accepted, the Chairmen of the Port Haj Committees as *ex-officio* members of the Port Trusts of those places will do something to place before the Port Trust Authorities the case of the Mussalmans and something would be done. Otherwise there is no chance. This was the point on which I wanted to lay some stress and after having done it, I again declare that I lend my strong support to Sir Abdul Halim Ghuznavi's Resolution.

The Honourable Sir Andrew Clow: Sir, the Resolution seeks to add the Chairmen of the three Port Haj Committees to the three Port Trusts and seeks in particular to add the Chairman of the Calcutta Port Haj Committee to the Calcutta Port Trust. I think I am right in saying that the Chairman of the Calcutta Port Haj Committee is my esteemed friend who moved this Resolution.

An Honourable Member: That is only for the present and not for ever.

The Honourable Sir Andrew Clow: I am not, therefore, at all surprised at the eloquence with which he pleaded his case. I fully appreciate my Honourable friend's anxiety to add another to the various public services that he has given or is giving in Calcutta and elsewhere.

Sir Abdul Halim Ghuznavi: Next year I won't be Chairman.

The Honourable Sir Andrew Clow: But I hope that if I have to oppose the Resolution he will not attribute it to any doubt on my part of his competence. I feel sure that he would be an adornment to the Trust, but as he recognises, personalities must change and that my opposition is based rather on principles than on any question of personalities.

I have not yet found out what the advantage to be gained by adding these gentlemen to the Port Trusts is. One advantage I can see is that, if Sir Abdul Halim Ghuznavi had been a member of the Trust, he would have been a little clearer in his mind as to where their functions began and ended. They are not responsible for the port health officers who do not work under them. The port health officers are officers of Government serving under another department. My Honourable friend complained that there was very short notice of when and where a particular ship was going to sail. That was for reasons which are outside the purview of the Port Trust. I should not be at all surprised to find that the Port Trust themselves did not know when it was going to sail.

Sir Abdul Halim Ghuznavi: But they did know. They could have given Outram Ghat instead of the Kidderpore Docks.

The Honourable Sir Andrew Clow: They obviously could not disclose information which they were not entitled to disclose. It is for those responsible for despatching the ship, and that is not the Port Trust—to say, subject to any orders of Government, when that ship was likely to sail. I think Sir Abdul Halim Ghuznavi himself recognises that the secrecy on that occasion was in the best interests of the Hajis themselves.

When I got notice of this Resolution I asked the Chairmen of the three Port Trusts concerned to send a report showing the number of cases relating to the Haj which had come up before the Trust in the last three years. In all the three cases the schedule was blank.

An Honourable Member: Because there was nobody.

Sir Syed Raza Ali (Cities of the United Provinces, Muhammadan Urban). It would remain blank for the next 30 years if there is nobody to raise these questions. (Further Interruptions.)

The Honourable Sir Andrew Clow: There are members there who are perfectly able to raise questions if they do arise. The Port Haj Committees are also able to put questions before the Trusts, perfectly able to do so. In fact, I think that Sir Abdul Halim Ghuznavi himself mentioned that in some cases the Chairman of the Port Trust himself is on the Haj Committee so matters can be really brought to his notice.

Sir Abdul Halim Ghuznavi: The Chairman cannot bring up the subject before the Committee. The Chairman is also on the Haj Committee but that is only in Karachi, not in Calcutta.

The Honourable Sir Andrew Clow: Maulana Zafar Ali Khan said that there were no Muslims on the Port Trust. The Mover of the Resolution said that the Muslim Chamber of Commerce in Calcutta itself elects a member and my recollection is that in Karachi the only non-official nomination resting with Government is a nomination at present of a Muslim gentleman.

The broad point is that these Port Trusts are not directly concerned with questions that very rightly concern the Port Haj Committees and to which they give such close attention. The actual berthing of a ship on a particular dock is not a question that will come before the Trust as such in the ordinary course of events. It will be a question for the Chairman and I have heard no instance during this debate of a Port Haj Committee making any proposal in the interest of the Haps, which was not sympathetically considered by the Port Trust. I am quite sure that all Trusts would give their most earnest consideration to any proposal emanating from such a quarter. The argument was used that because in one instance a Port Trust was represented on the Haj Committee therefore, the Haj Committee ought to be represented on the Port Trust. It sounds very logical but it is not really. This House, for example, is represented on the Indian Institute of Science at Bangalore and a lot of other bodies but nobody suggests that because of that these bodies should elect representatives to sit in this House.

It is of course a fact that the ships for the Haj sail from these ports. They form a proportion of the shipping from these ports but I wonder if the House realises how very small that proportion is. I have looked up the figures for the last three years. Take for example the case of Calcutta. Within the last three years, the number of ships cleared for the Haj was four.

Sir Abdul Halim Ghuznavi: The Calcutta Port was closed.

The Honourable Sir Andrew Clow: Only for one year. For the previous year it was two.

Sir Abdul Halim Ghuznavi: Take the figures for this year. It is 4,000.

The Honourable Sir Andrew Clow: It is one ship this year. It was closed for one year. Two ships were cleared in the previous year and two in the year previous to that. The total number of ships clearing from Calcutta is 4,000.

Sir Abdul Halim Ghuznavi: It is 3,700 this year. 3,700 persons.

The Honourable Sir Andrew Clow: You are talking of persons, I am talking of ships. 4,000 ships cleared from Calcutta, that is more than a ship for every Haj. Let us go to Bombay where no special circumstances were mentioned to exist.

Sir Abdul Halim Ghuznavi: Why do you give the Calcutta Corporation a representative on the Port Trust?

The Honourable Sir Andrew Clow: That is because the corporation is very closely concerned with the affairs of the Ports on which the prosperity of the city so largely depends. However, let us go to Bombay, where the number of Haj ships is of course larger. The proportion in the last two years before the war, which were normal years, was about one half per cent of the actual number of ships and perhaps about one per cent of the tonnage. In Karachi the average for the last three years is one per cent in numbers and about two per cent in tonnage. Even if these figures had been larger than they are, they would not have constituted, in my view, a justification for having one member solely representing the Haj Committee on these by no means large bodies, because, as I have said, they are not concerned to any large extent with problems peculiar to the Haj. Whatever personal qualifications the Chairman of these Committees may have, and I have conceded that Sir Abdul Halim Ghuznavi himself well possesses them, they can bring no specialised knowledge to bear on the ordinary questions that come up before the Port Trust. I am afraid, to be quite candid, that the only effect I can see of adding these Chairmen would be that it would mean one additional Muslim representative on the Trust in each of the three ports.

Sir Syed Raza Ali: Any particular objection to that?

The Honourable Sir Andrew Clow: No particular objection to that but I think that if it is to be added, it should surely be added on sound grounds. It is not a sound argument to suggest that because these Haj Committees will elect a Mussalman, therefore, they must be represented on the Port Trust. Surely, that is neither logic nor justice. I hope I shall not be charged with being unduly suspicious but I cannot help wondering if that is not the main attraction of the proposition for those who have moved or sponsored this Resolution. In fact, I thought I detected in Maulana Zafar Ali Khan's speech a virtual admission that that was so, and that the object of the Resolution was to secure additional Muslim representation. Now, I am not out to say that the representation on all the Port Trusts is ideal. I do not think that the figures which the Mover of the Resolution quoted were entirely accurate but conditions change and the constitution of the Port Trusts, which may have been suitable a number of years ago, is always liable to revision. We have under consideration the revision of the constitution of one of the Trusts at the moment but I would submit to the House that the existence of a Port Haj Committee does not constitute a valid ground for adding additional members to these Trusts. I oppose the Resolution.

Dr. Sir Ziauddin Ahmad (United Provinces, Southern Divisions, Muhammadan Rural) I was rather surprised at the speech delivered by my Honourable friend, the Member for Communications. He unnecessarily charged the Honourable Sir Abdul Halim Ghuznavi with being selfish, as he happened to be the President of the Port Haj Committee.

The Honourable Sir Andrew Clow: I said the opposite. I said that he was unselfish for he wanted to render additional service.

Dr. Sir Ziauddin Ahmad: This Resolution was really tabled by several members and it was an accident that Sir Abdul Halim Ghuznavi happened

to draw it in his name. It was not he who initiated this Resolution. I know that it was really initiated by the Haj Committee at Karachi who were feeling enormous difficulties. I have got before me a bundle of papers which they submitted to the Members of the Assembly. I was not surprised by the argument of my Honourable friend when he said that the object of the Resolution is to add one more Muslim Member to the Port Trust. Even if it did add a Muslim Member, there was no harm as was pointed out by one of my colleague here. There is no doubt that the Port Trust at Calcutta had no sympathy for the Mussalmans. Some years ago I drew attention to it on the floor of this House. The Chairman of the Port Trust said in a public meeting that Muslims are not fit for service in the Port Trust and we raised strong objection to it, on the floor of this House. We also protested several times that the scholarships given by the Port Trust were never given to the Muslims. If by chance this particular Resolution adds one more member, it is only in the fitness of things, because the interests of the Muslims are not at present adequately safeguarded in these three places. I may assure him that our object in this resolution was not to add one more member to these Port Trusts. Our object is this. These pilgrims represent a special interest which cannot be adequately represented by any of these Chambers of Commerce. In the case of the Chambers, whether they are European or Indian, the interests are identical. I mean they represent the same class of work but in the case of the Hajis the interests are entirely different and they cannot be represented by any of these Chambers of Commerce. Therefore, it is not a question of Muslims and Hindus, it is not a question of communal representation but it is a question of the representation of interests,—never mind, what the percentage of that interest is. Here we have got an important category who ought to be represented on the Port Trust,—never mind what their percentage is—but it is an important interest and it ought to be safeguarded, and it is unfair on the part of Government to oppose this particular Resolution, but, as was pointed out in the House as is now constituted, arguments have no force, we are at the mercy of the Government. Sir, I support the motion.

Maulvi Abdur Rasheed Chaudhury (Assam) (Muhammadan) Sir, I would not have risen at this stage to speak but for the fact that the Honourable the Communications Member thought it worth while to say that this Resolution is intended chiefly to put three more Muslims on the Port Trusts of Karachi, Bombay and Calcutta. In fact it is not a fact that the object of this Resolution is to add three more Members to these Trusts. Sir, this is absolutely necessary. Sir, the Communications Member said that the addition of these members will have no bearing on the duties of the Port Trust Committee. That is also not a fact. I think it will do a good deal to facilitate conditions for these Hajis if there is one Muslim at least on the Port Trust Committees at these places. Had there been a sufficient number of Muslims on the Port Trusts this would not have happened that the Hajis would have to travel seven miles to Kidderpore instead of their providing a ship at Outram Ghat at Calcutta. This is simply due to the absence of Muslim members on the Port Haj Committee that such things happened. It reminds me of a thing which I had a mind to bring to the notice of the House sometimes. I am a Member of the Central Advisory Board of Education and the last sitting of that Board was fixed on the 11th of January. On

[Maulvi Abdul Rasheed Chaudhury]

the 9th of January there was the 1d day for Mussalmans. I being a Member living at a distance of some two thousand miles from Madras, it could not be expected that I would have left my 1d and gone to attend a sitting of the Central Advisory Board of Education at Madras. Sir, had there been a Muslim gentleman as Secretary on that Committee, he would not have certainly nixed the sitting on the 11th, knowing full well that the 9th was the 1d day. Similarly, if there is a Muslim Member on the Port Trust, he would certainly see what are the conditions of the Hajis, he would have certainly represented in this case that the arrangements for Hajis should be at Outram Ghat and not at Kidderpore. Sir it would add a good deal to the convenience of Haj pilgrims if on these three Port Trusts the Port Haj Committees were represented. I think, Sir, that this simple Resolution should not be opposed by the Communications Member. I support the resolution.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands). Sir, the question of medical arrangements at the ports has been introduced into this discussion. I do not know that that is primarily the concern of the Port Trusts at all. I am afraid we must in the Education, Health and Lands Department claim a certain responsibility for the arrangements for Port Health Officers. Our Port Health Officers are not on the Port Trust Committees. They are under the Central Government direct. I am free to admit that the arrangements for the examination of deck passengers in Calcutta, whether at Outram Ghat or at Kidderpore, have not been satisfactory from our point of view, and it is quite true that the Public Health Commissioner has been down to Calcutta and examined them and complained to the Port Trust that they could do more than they do now to improve matters in the way of providing accommodation, but the position is that when deck passengers in large numbers are going on board a ship, medical inspection has to be performed quickly and the provision of separate cubicles and accommodation where they could be examined in private and where they need not open their chests and stomachs in public, as was said, would really provide no solution. They have to pass the doctor quickly and they just line up. There is no indecency or impropriety in the procedure, I understand. The Port Trust only come into it to the extent of providing accommodation, and even if they provided elaborate accommodation for the privacy of passengers being examined, I doubt very much if the pilgrim passengers, of whom there are a large number to be got on the ship in a very short time—would be able to take advantage of it. So far as the arrangements in Bombay and Karachi are concerned, we have reason to believe that they are very satisfactory and, therefore, even if there were anything in the argument drawn from the fact that medical arrangements in Calcutta are not very satisfactory, it would not be an argument applicable to Bombay and Karachi which are covered by the Honourable Member's Resolution. In any case the pilgrims constitute only a small fraction of the deck passengers who leave these various ports and it is not obvious therefore, why a body interested only in the pilgrims should be represented on the Port Trusts on behalf of the passengers in general or even deck passengers. So far as Karachi goes, I understand that the liaison between the executive officers of the Port Trust and the Port Haj Committee is

so good that no matter affecting the pilgrims has been brought up before the port trustees for the last three years, and, therefore, it does not really look as if there was any crying need for the representatives of the pilgrims in the person of the Chairman of the Port Haj Committee to be a member of the Port Trust. So far, therefore, as the health grounds go, I am afraid I can see no reason why this Resolution should be accepted.

Dr. Sir Ziauddin Ahmad: Sir, I move that the question be now put

Mr. President (The Honourable Sir Abdur Rahim), The question is

"That the question be now put"

The motion was adopted

Sir Abdul Halim Ghuznavi: Sir,

Mr. M. S. Aney: I wish to bring to the notice of the President that the convention of this House is that whenever a Leader of the Party stands to address the House, closure is not moved

Dr. Sir Ziauddin Ahmad: I requested the Honourable Member not to speak.

Mr President (The Honourable Sir Abdur Rahim) At any rate, the Chan has nothing to do with that

Sir Abdul Halim Ghuznavi: Sir, I was surprised to hear my Honourable friend, Sir Andrew Clow, when he said that perhaps not myself, but the gentleman, who had suggested this Resolution, had in mind to get three more additional Muslims in the Port Trusts. Does my Honourable friend know the position of these three Port Trusts? In this Budget Session I will ask the Government to repeal this worn-out Act of three Port Trusts and to have the representation of the Mussalmans in all the various Port Trusts according to the proportion of the trade they carry on in India. The proportion of the trade which is carried on in India by the Mussalmans is not represented on the Trust Boards anywhere. My Honourable friend quoted the figures of the percentage of the ships that sail from Calcutta *vis-a-vis* the percentage of the pilgrims, and said that it was decimal point something. And, in the case of Bombay, he was generous enough to give us $1\frac{1}{2}$ per cent. May I ask him what percentage of representation you have given us on those Trust Boards according to the trade that we carry on in India? You have overwhelmed these Boards with the Europeans and European interests and the Indian interests have been neglected. Look at the trade that the Muslim Chamber carries on. It comes to about 25 crores. With the greatest difficulty and after fighting for five years we have got one representation in the Trust Board of Calcutta. What is the representation of the Bengal Chamber there? Out of 19

Sir Syed Raza Ali: Rather out of 12 elected members

The Honourable Sir Andrew Clow: Out of 10 commercial members

Sir Abdul Halim Ghuznavi: Out of 10, Europeans have got six seats and the Indians are given only four seats. Compare the trade which the Europeans carry on from Calcutta now with the Indian trade. So, give us the representation on the Trust Board according to our trade. We do not want any favour. You always say that the representation must be proportionate to the trade you carry on. So, compare the trade and give us representation accordingly. It was possible for the Europeans to have this number on the Trust Board, say, a hundred years ago, but the position now is quite different. You do not want to give the Port Haj Committees any representation on these Trusts, and you ask, how could they serve your interests? If a Chairman of the Port Haj Committee had been on the Port Trust Board, things would have been quite different. Put me there for one year, and see what changes I can effect there.

Mr. M. S. Aney: You will make their lot miserable.

Sir Abdul Halim Ghuznavi: Sir, 20,000 pilgrims go every year from these three Ports. Is it not the duty of the Government to see that every facility is given to these Port Haj Committees to look after the interests of these pilgrims at the time of embarkation and disembarkation? How can the Haj Committees discharge their duties efficiently unless you help them to be on these Boards where they can represent their difficulties?

The Honourable Sir Andrew Clow: They can approach the Port Trust if there are any difficulties.

Sir Abdul Halim Ghuznavi: If I ask for an interview, they will ask me certainly to see them in their Committee room as a private individual, because I am not a member of the Board. But if I am a member of the Board, I will be able to exercise the right of my vote and that makes all the difference. If I am a member of the Board, I will be able to defeat the Europeans by persuading my colleagues to join me. That is what I can do as a member of the Board, but they do not allow me to do that. You do not give me my representation on the Board. If I go to the Board as the Chairman of the Port Haj Committee, I will be able to create no effect. But if I am member of the Board, I will be able to induce them by exercising my vote. But you do not allow me to do that and yet you say "How will you be benefited by getting these members?" If I become a member of the Board, I will be in a position to tell them that the arrangements for the embarkation of the pilgrims are not satisfactory, that there is no shed for them, and that the sanitary arrangements are not up to the mark. All these things are done by the Port Trusts. My Honourable friend, Mr. Tyson, took me to task and said that I had mixed up this question with the Port Trust which has nothing to do with it. But my Honourable friend does not realise that the Port Health Officer has to go and examine at the port of embarkation, and I am disputing whether he does his duty and whether the Hajis get the necessary facilities at the port of embarkation. Unless you make me a member of the Board, I cannot go before the Board and impress my views and get votes for my proposition.

My Honourable friend Maulana Zafar Ali Khan, said—perhaps he did not know—that there were no Muslims on the Port Trust at Calcutta.

But, as I said, they represent the various Chambers of Commerce, Surely you cannot expect him to take up this business of the Port Haj Committee because he will be ignorant unless he is a member of that Committee. If he is not a member, he knows nothing. How can he help the cause of the Hajis before the Port Trust Board?

Maulana Zafar Ali Khan: I said Muslim representation was nearly nil.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member should be in his place if he wants to address any remark.

Sir Abdul Hakim Ghuznavi: Exactly, you are perfectly right. You said nearly nil.

Mr. President (The Honourable Sir Abdur Rahim) It is now past five of the clock, and I do not know whether the Honourable Member wants to take more time. If so, I shall adjourn the House and he can continue his speech on the next Resolution day.

Sir Abdul Hakim Ghuznavi: Yes, Sir.

The Assembly then adjourned till Eleven of the clock on Thursday, the 18th February, 1941.

LEGISLATIVE ASSEMBLY

Thursday, 13th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

VALUE OF THE DOLLAR EXCHANGE

43. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Finance Member be pleased to state the value of the dollar exchange which the Government or the Reserve Bank acquired since 1st November, 1940?

(b) In what manner do Government propose to use the dollar exchange?

(c) Have Government converted, or do they contemplate converting them to sterling securities? If so, why?

The Honourable Sir Jeremy Raisman. (a) I regret I cannot give information of this nature as its publication will be contrary to the public interest

(b) and (c) Our surplus dollar resources are exchanged for sterling and added to the common Empire pool for payment for essential imports from the United States of America

Sardar Sant Singh. Is it a fact that India has a credit of large sterling assets with the Secretary of State at present?

The Honourable Sir Jeremy Raisman. If the Honourable Member has been reading the newspapers lately, he will have learnt that India has now found a use for some 90 million pounds of these sterling assets

CLASSIFICATION AND TREATMENT OF DETENUS AND PRISONERS

44. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Home Member please state whether Government make any differentiation in the treatment of persons detained without trial, and persons committed to jail under the law of the land?

(b) How many classes of prisoners are there at present? What is the daily allowance given to each class of prisoners?

(c) Who places the prisoners in a particular class?

(d) Have the Government of India issued any instructions about the category of persons to be put in particular classes?

(e) Are the classes determined by the nature of the offences or by personal equations of individuals?

(f) Do Government propose to request or make a rule that persons who voluntarily go to jail, may themselves pay the cost of their living and not tax the tax-payer of India?

The Honourable Sir Reginald Maxwell: (a) The treatment of persons detained under Rule 26 of the Defence of India Rules, who are known as Security Prisoners, is governed by the conditions prescribed by the Central or Provincial Government (as the case may be) under sub-rule (5) of that rule. The treatment of convicted prisoners is governed by rules framed by Provincial Governments under the Prisons Act. The conditions prescribed by the Central Government for the Security Prisoners in Deoli are contained in the Deoli Detention Camp Order, copies of which have been placed in the Library. Provincial Governments have framed their own Security Prisoners rules on the lines of that Order.

(b) There are three classes of convicted prisoners A, B and C and two classes of Security Prisoners I and II. No daily allowance is given to Security Prisoners, but those in Class I are allowed to receive up to Rs. 10 per month and those in Class II up to Rs. 5 per month from their friends.

(c) Security Prisoners are classified by the Government which prescribes the conditions of their detention. Recommendations for the classification of convicted prisoners are made by the Courts subject to confirmation or review by the Provincial Government.

(d) The main principles on which classification is to be made were laid down by the Government of India after discussion with Provincial Governments.

(e) In the case of convicted prisoners the status and antecedents of the prisoner and the nature of the offence are taken into account in making the classification. In the case of Security Prisoners classification is made according to the state of their health, and their education, status and mode of living before their arrest.

Mr Lalchand Navalrai: With regard to detenus who are detained indefinitely, is there any rule or practice to revise their cases periodically for the purpose of release?

The Honourable Sir Reginald Maxwell: I do not think that arises out of this question.

Mr N. M. Joshi: In view of the fact that there was a large volume of support for my Resolution yesterday, will the Government of India reconsider their decision and appoint a committee as suggested by me?

The Honourable Sir Reginald Maxwell: No, Sir.

Qazi Muhammad Ahmad Kazmi: What were the standards by which Rs. 10 and Rs. 5 were fixed by Government?

The Honourable Sir Reginald Maxwell: They were decided in consultation with all the Provincial Governments at a conference.

Qazi Muhammad Ahmad Kazmi. Do Government think that is the maximum that a person in 'A' class requires and no more?

The Honourable Sir Reginald Maxwell: I have no doubt he could do with more but that is all we think fit to allow him

Sardar Sant Singh: Are there uniform rules in all provinces governing the classification of prisoners?

The Honourable Sir Reginald Maxwell: Does the Honourable Member mean convicted prisoners?

Sardar Sant Singh: I mean those convicted under the Defence of India Act and Rules

The Honourable Sir Reginald Maxwell: Yes, Sir, the same principles are observed, as I said in answer to the question

Sardar Sant Singh: Does the Honourable Member know that the Punjab Government have ordered all the members of the Provincial Assembly to be placed in 'A' class? Is that rule observed in all other provinces?

The Honourable Sir Reginald Maxwell: No, Sir, it is not one of the principles of classification. Classification is based, as I said, on health, education, status and mode of living. And if all the members of the Punjab Legislative Assembly are of such high status that they deserve to be placed in class 'A', I am glad to hear it, but it does not necessarily follow that all the members in other provinces are of the same status.

Sardar Sant Singh: May I know if the Members of the Central Assembly are granted the same concessions after their conviction in the *Satyagraha* movement?

The Honourable Sir Reginald Maxwell: I am not aware how they have been classified.

Dr. Sir Ziauddin Ahmad: With regard to clause (f), if a person voluntarily wishes to go to jail in order to take rest and write books, will Government put him in a special class and support him at the expense of the taxpayers?

Mr. President (The Honourable Sir Abdur Rahim): That is a hypothetical question.

POST OF THE COLLECTOR OF CUSTOMS IN CALCUTTA

45. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Finance Member be pleased to state whether Government have definitely decided that the Collector of Customs in Bengal will always be a Britisher?

(b) Did the Government of India receive any representation, officially or unofficially, that the Collector of Customs in Calcutta should always be a Britisher?

(c) Is it not a fact that postings at these offices are made as a matter of administrative convenience and not on any principle of racial discrimination?

(d) Has the attention of Government been drawn to the fact that administrative convenience in case of Calcutta has always been in favour of a Britisher?

(e) Will Government find out for how long an Indian has been a Customs Officer in Bombay?

The Honourable Sir Jeremy Raisman. (a) and (b) No

(c) Yes

(d) No

(e) The post of Collector of Customs, Bombay, has been held by Indian officers since the 13th June, 1936

INDIAN STATES MEN ADMITTED INTO THE INDIAN AIR FORCE OR THE INDIAN AIR FORCE RESERVE

46. *Mr. Govind V. Deshmukh: (a) Will the Defence Secretary please state the names of the Indian States from which men have been admitted into the Indian Air Force, or into the Indian Air Force Reserve, and the number of men so admitted from such States into these Forces?

(b) Are they admitted on the same conditions of service as men from British India?

Mr. C. M. G. Ogilvie: (a) The figures required are not available since no separate records for Indian States are kept

(b) Yes

TREATMENT OF MONIES RECEIVED AS AN EQUIVALENT OF DOLLAR BALANCES WITH REFERENCE TO INCOME-TAX LAW

47. *Mr. F. E. James: Will the Honourable the Finance Member be pleased to state

(a) if monies received by residents in India in rupees as an equivalent for dollar balances held by them, which under Notification No. D-5228-F, dated the 23rd November, 1940, issued by the Government of India under the Defence of India Act were made over to the Federal Reserve Bank of New York, will be treated as foreign income accruing ex-India or as income received in India for the purpose of income and super tax during the year in question, and

(b) if the latter, what is the Government of India's justification for so treating such income?

The Honourable Sir Jeremy Raisman: (a) and (b) I would invite the attention of the Honourable Member to the Press Communiqué issued on the 28th November, 1940 from which it will be seen that the sale proceeds in question are to be treated as capital receipts not liable to tax

By a notification issued by the Central Government on the 23rd November, under the Defence of India Rule owners of balances in the currency of the United States of America are, with a few specified exemptions, required to offer such balances for sale to the Reserve Bank of India within one month, and the question has arisen whether the amounts received by them from the Reserve Bank will be liable to income tax. Having regard to all the circumstances attending such sales it has been decided by the Government of India that for purposes of income and super tax the sale proceeds should be treated as capital receipts not liable to tax.

FINANCE DEPARTMENT

New Delhi, the 25th November, 1940

Mr. F. E. James: Will the Honourable Member ensure that specific instructions to that effect are sent to Income-tax Officers, because already one or more Income-tax Officers to my knowledge have warned assesseees in a contrary direction?

The Honourable Sir Jeremy Raisman: Explicit instructions to that effect have already been communicated to Income-tax Officers. I can only assume that the action to which the Honourable Member refers was taken before the issue of those instructions.

Dr. Sir Ziauddin Ahmad: If any person changes this dollar exchange and gets rupees will it be supposed to be his income and made taxable?

The Honourable Sir Jeremy Raisman: If the Honourable Member had read the question and heard my reply he would have seen that I have answered that precise question, namely, that in the case of these balances the rupee equivalent is treated as capital receipts not liable to tax.

INDIANS IN THE UNITED KINGDOM DESIROUS OF RETURNING TO INDIA

48. *Mr. F. E. James: Will the Honourable the Home Member be pleased to state

- (a) if he is aware that there are in the United Kingdom a number of Indians, students and non-students, who are desirous of returning to India, but who are unable to obtain the necessary passages, thus causing anxiety to their families in India, and
- (b) whether any steps have yet been taken, or are in contemplation, to facilitate the repatriation of such persons as are desirous of returning to this country?

The Honourable Sir Reginald Maxwell. (a) Yes. Government are aware that there are in the United Kingdom a certain number of Indians, who desire to come to India, but for whom shipping accommodation has not so far been available.

(b) I would draw the Honourable Member's attention to the Press Communiqués on this subject issued on July the 8th and September the 14th, copies of which I place on the table. The two ships referred to in the latter Communiqué reached India safely and as a result an appreciable number of Indian children were brought to India. Since then owing to the shortage of shipping it has not been possible to arrange for further special facilities for families or students. I regret that I am unable to say when such facilities will be resumed.

*Press Communique***EVACUATION OF CHILDREN FROM BRITAIN—WHAT PARENTS IN INDIA SHOULD DO**

The Government of India and the Secretary of State for India have received a number of requests that arrangements should be made for the transport from the United Kingdom of the families of persons normally resident in India who wish to bring their children to India. Arrangements are therefore being made subject to the exigencies of the military situation and to the availability of shipping to facilitate the conveyance to India of the children of persons both official and non official European and Indian who normally reside in India and wish to bring their families out to this country. The Secretary of State has moved the Ministry of Shipping to give every assistance which it reasonably can in the matter of the early provision of transport.

Parents residing in India who wish to bring their children from England to India should, therefore, instruct their representatives in the United Kingdom by cable to register the names of the children with the Secretary, Passage Department, India Office, as soon as possible.

It is likely that there may be a number of wives of men in India accompanying children, who will be willing to assist in looking after unaccompanied children during the voyage. The Secretary of State will, however, arrange for special supervisory staff if necessary.

The Government of India desire to make it clear that although they are prepared to give information and assistance so far as possible the decision to bring out children to India must be the entire responsibility of the persons concerned.

HOME DEPARTMENT,

Simla, the 8th July, 1940

In the Home Department Press Communique of the 6th July, 1940 it was stated that the Secretary of State had moved the Ministry of Shipping to give every assistance it reasonably could in providing only transport for the conveyance to India from the United Kingdom of the families of persons resident in this country. Some families have already arrived in India. Arrangements have also been made for two more ships conveying families to arrive in India sometime in the near future.

It is now notified for public information that in view of the shipping position the Secretary of State is unable to provide any special facilities for the conveyance of further families for the present.

In a Reuters message published in the Indian Press on the 7th July on the subject of arrangements for the evacuation of children from the United Kingdom to India, it was mentioned that in special circumstances advances to cover the cost of passages may be made by the India Office on an undertaking being given by the parents to refund the amount in due course. The procedure which has been actually adopted for Government servants has been that where the family in the United Kingdom of officers serving in India asked that the cost of passage should be recovered in India, the India Office arranged accordingly if evidence was produced of the officer's consent. Issue of advances is not necessary under this procedure.

HOME DEPARTMENT,

Simla, the 14th September, 1940

**DESIRABILITY OF BROADCASTING OF FIGURES FOR ALL VOLUNTARY
SUBSCRIPTIONS TOWARDS WAR EFFORT IN INDIA**

49. *Mr. F. E. James: Will the Honourable the Home Member be pleased to state

- (a) if he is aware that the broadcasting in India and in the United Kingdom of the figures relating to His Excellency the Viceroy's War Purposes Fund only gives an incomplete

picture of the great volume of voluntary subscriptions towards the war effort which have been received throughout India, and

- (b) whether he is prepared to arrange in future for the total subscriptions relating to the Viceroy's War Purposes Fund and the various Provincial Governors' Funds and other voluntary funds, e.g., Red Cross, St John Ambulance, etc., to be broadcast from time to time by All-India Radio and also by the British Broadcasting Corporation from London?

The Honourable Sir Reginald Maxwell: (a) The Government of India are not aware of the principles which are followed by the B B C in selecting items of news regarding subscriptions to war funds, but steps will be taken to bring to the notice of the proper authorities in the United Kingdom the question asked by the Honourable Member. So far as India is concerned All-India Radio announces subscriptions to the Viceroy's War Purposes Fund and other war funds which are reported by Press Agencies and other authoritative sources.

- (b) The suggestion will be considered.

The total of subscriptions to the Viceroy's War Purposes Fund is already being published and broadcast at regular intervals.

Mr. F. E. James: But the Honourable Member is no doubt aware that that gives an incomplete picture there are large blocks of subscriptions, subscribed to Governors' provincial funds which do not pass through the Viceroy's War Purposes fund, and, therefore, in order to obtain a complete picture of the immense voluntary effort in the way of subscriptions in this country a consolidated statement of these amounts might be published from time to time and I wonder whether the Honourable Member will consider compiling such a statement and issuing it from his department and placing it on the table of the House during the present Session.

The Honourable Sir Reginald Maxwell: At the present moment subscriptions to the various provincial and local war funds and other voluntary funds, when intimated by war committees and other such bodies, are regularly announced by all stations except Delhi. The information received in the Delhi station is passed on to the central news organisation for incorporation in the news bulletin.

Mr. F. E. James: Surely there is some one in the Delhi station or in some department of the Government of India capable of adding up all these contributions and presenting a consolidated statement which would present a much better picture than the isolated statements, however encouraging they may be, about the Viceroy's War Purposes Fund and the Governors' funds.

The Honourable Sir Reginald Maxwell: I will consider the Honourable Member's suggestion, but I would point out that these announcements of subscriptions are put into the news as news items, and if the procedure is adopted of obtaining the information some time afterwards and publishing consolidated tables, it will by that time have ceased to be an immediate news item.

Mr. F. E. James: May I suggest that there is a department of public information attached to the Government of India and is not that department interested in presenting a full picture,—that is all I am asking for—of the voluntary effort in this connection of this country? There might be at least one officer in that department able to collect all these figures together and present a consolidated statement for broadcasting from the All-India Radio?

The Honourable Sir Reginald Maxwell: I will certainly see whether anything can be done in the direction suggested by the Honourable Member.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member also consider the suggestion that he must also publish the figures for involuntary subscriptions—subscriptions that are collected through local bodies by pressure from the Government?

The Honourable Sir Reginald Maxwell: It is for the Honourable Member to furnish Government with particulars of such amounts.

Dr. Sir Ziauddin Ahmad: May I ask this question? I wrote to His Excellency the Viceroy and to the Finance Member. We should like to know the contributions of each province for war purposes—the total amount of war loans with interest and without interest, contributions to the Viceroy's fund and to the Governor's fund and to the ambulance societies and other such measures. We should like to know the total contributions of each province and also under different heads. This information is very important and I think it should be gathered together and published either as a statement in reply to a question which I have already put, or otherwise.

The Honourable Sir Reginald Maxwell: I thank the Honourable Member for his suggestion and, as I have already said, I will consider whether anything useful can be done on those lines.

INDIAN PRISONERS OF WAR.

50. ***Mr. Govind V. Deshmukh:** Will the Defence Secretary please state

- (a) if any Indians have been taken as prisoners of war by the Nazi army or Fascist army, and what treatment they are receiving,
- (b) if Italian prisoners of war get only reciprocal treatment that is neither better nor worse than Indian prisoners of war are receiving,
- (c) whether the Government of India have to bear the expenses of looking after these Italian prisoners of war, either wholly or partly, and

- (d) whether there has been any exchange of Indian prisoners of war for the Italian or German prisoners of war?

Mr. C. M. G. Ogilvie: (a) and (b) A statement showing the number of Indians so far known to have been taken prisoners of war, and the number missing, believed to be prisoners of war, has been laid on the table. As far as we are aware, these prisoners are being treated in accordance with the International Convention relative to the treatment of Prisoners of War, 1929, (of which Germany and Italy are signatories)

Italian prisoners of war are being treated in accordance with the same International Convention

- (c) The cost of maintaining Italian prisoners of war is wholly debitable to His Majesty's Government

- (d) No, Sir

Statement

The following Indian personnel have been reported as prisoners of war and missing, believed prisoners of war

Prisoners of war

Sudan —

- 1 Officer (Lieutenant Shaukat Hayat Khan)
- 1 Indian Other Rank

France —

- 1 Officer (Captain Amis Ahmed Khan)
- 2 Viceroy's Commissioned Officers
- 7 Indian Other Ranks
- 2 Non-combatants

Missing believed Prisoners of war

Sudan —

- 1 Viceroy's Commissioned Officer
- 1 Indian Other Rank

France —

- 4 Viceroy's Commissioned Officers
- 247 Indian Other Ranks
- 63 Non-combatants

Mr. Govind V. Deshmukh. May I know if the son of Sir Sikandar Hayat Khan is being given the same treatment—I think he is a war prisoner—according to the International Convention, whether he has got a bungalow for living, whether he is getting about three or four hundred rupees as monthly allowance, whether he is put on any work for the Government or not? Have Government made any inquiry about this?

Mr. C. M. G. Ogilvie I have given in the answer to the question all the information which we know about the treatment of prisoners

Mr. Muhammad Nauman What is the number of German prisoners and Italian prisoners who are in India at the moment?

Mr. C. M. G. Ogilvie We have no German prisoners in India. There are a good many thousands of Italian prisoners—I have not got the exact figures

Maulana Zafar Ali Khan What is the total number of Indian prisoners taken by the Germans and the Italians?

Mr. C. M. G. Ogilvie The Italians have been fortunate enough to capture 4. The Germans have, I think, 247 Indian other ranks, 4 Viceroy's commissioned officers and 63 non-combatants

Mr. N. M. Joshi May I ask whether the International Convention makes any discrimination between white prisoners and non-whites?

Mr. C. M. G. Ogilvie No

Mr. Lalchand Navarai Are these prisoners taken by the Germans treated well, and are the Government of India doing anything with regard to them?

Mr. C. M. G. Ogilvie I have given all information which we have. We have no information to show otherwise, but information is very slow in coming from Germany and it is only within the last two or three days that we have actually received information that some 270 Indian persons are in a certain German camp. Before that, we did not know for certain whether they were prisoners of war or not

Mr. Govind V. Deshmukh May I know what exactly the Italian officers are getting by way of allowances and accommodation and whether they are put to any work by the Government?

Mr. C. M. G. Ogilvie They are not put to any work. As regards their accommodation and allowances I shall require notice

PERCENTAGE RESERVED FOR MUSLIMS FOR CERTAIN APPOINTMENTS IN THE ARMY HEADQUARTERS

†51. ***Sir Abdul Halim Ghuznavi:** (a) Will the Defence Secretary be pleased to state what percentage has been laid down in any general orders

† Answer to this question laid on the table, the questioner being absent.

on the subject, for Muslims, as regards the following appointments in the establishment of the various Branches of Army Headquarters in India —

- (i) Officers Supervisor.
- (ii) Superintendents,
- (iii) Assistants First Division, and
- (iv) Routine Grade clerks.

(b) How many of the above appointments in each category are actually held by Muslims at present and how many by individuals belonging to other communities? What is the percentage in each class held by the Muslim community?

(c) What is the percentage laid down by Government for Muslims for the abovementioned posts and is that percentage being maintained in the Army Headquarters? If not, why not?

(d) When will it be possible for Government to give the Muslim community their due share if they have not done in these days of war when the size of the Army Headquarters offices has practically doubled?

(e) Will the Defence Secretary also be pleased to state how many posts in the abovementioned categories were created since the outbreak of the war, and were the orders of the communal ratio applied in filling them up? If not, why not?

Mr. C. M. G. Ogilvie: (a) (i), (ii) and (iii) None (iv) 25 per cent

(b) A statement is laid on the table

(c) (i), (ii) and (iii) None (iv) 25 per cent Yes, the orders are being observed

(d) Does not arise

(e) The reply to the first part is as follows

- (i) 23
- (ii) 31
- (iii) 14
- (iv) 422

The reply to the second part is in the affirmative as far as category 4 is concerned. The first three categories are filled by selection and the communal proportion does not apply to them

	Muslims	Other communities	Percentage
(i)	1	37	2.6
(ii)	5	57	8
(iii)	15	154	8.8
(iv)	101	373	21.3

**RACIAL DISCRIMINATION IN THE MATTER OF EMOLUMENTS ADMISSIBLE TO
EMERGENCY COMMISSION OFFICERS**

52. *Sardar Sant Singh: (a) Will the Defence Secretary please state whether it is a fact that European British subjects and Indian British subjects granted emergency commissions in India in the Indian Army for the present war are allowed different emoluments (as noted in the statements marked A and B, respectively set out below) excluding certain allowances common to both and that differential treatment continues even when they are detailed to Field Service overseas? Is this difference in emoluments based on the assumption that the Indian officer holding the same status and rank and fighting side by side with his European colleagues, even overseas, should get less because his manner of living should be cheaper?

(b) Are Government aware that this inferior treatment is all the more galling in respect of Indian officers holding responsible civil appointments, and is contrary in actual practice to the statements of the most responsible officers of the Government, from the Secretary of State downwards, that equality of treatment is being extended to Indians in the war?

(c) If the above facts are correct, do Government propose to remove this racial discrimination?

A.

Statement showing emoluments admissible to officers (European British Subjects) granted Emergency Commissions in the Indian Army [Annexure II to Army Instructions (India) No 12 of 1940]

Rank	Rank pay	I A allowance	Marriage allowance	Lodging allowance	Total
	Rs p m	Rs p m	Rs p m	Rs p m	Rs p m
Lieutenant-Colonel	1,225	100	75	150	1,550
Major (after 22 years service)	1,035	100	90	110	1,335
Major	915	100	90	100	1,205
Captain (after 15 years service)	765	75	100	90	1,030
Captain (after 14 years service)	765	50	100	70	985
Captain (after 11 years service)	655	50	100	70	875
Captain	555	50	100	70	775
Lieut (after 7 years service)	505	50	65	50	670
Lieut. (after 6 years service)	505	40	65	45	655
Lieutenant	435	40	65	45	585
Second Lieutenant	385	40	65	40	530

B.

Statement showing emoluments admissible to officers (Indian British Subjects) granted Emergency Commissions in the Indian Army (Annexure to Army Instructions (India) No 13* of 1940)

Rank	Consolidated Pay
	Rs
Lieutenant-Colonel	1,000
Major	800
Captain (after 8 years service)	650
Captain (after 6 years service)	600
Captain (after 4 years service)	550
Captain (after 2 years service)	500
Captain	450
Lieutenant (after 3 years and 9 months service)	400
Lieutenant	350
Second Lieutenant	300

***Army Regulations, India**

Pay and Allowance Regulations for the Army in India, Chapter V, Rule 181

Mr. O. M. G. Ogilvie: (a) and (b) The figures given by the Honourable Member are substantially correct except that in addition to the emoluments shown by the Honourable Member, Indian Commissioned Officers now receive an emergency allowance of between Rs 65 and Rs 50 a month when in India, and when serving overseas an expatriation allowance, which differs according to the various circumstances and according to the country in which the officer is serving, but is slightly more liberal than the emergency allowance. Second Lieutenants and Lieutenants also receive a messing allowance of Rs 40 and 15 respectively.

The difference in emoluments continues when both are on field service. It is not due to the reasons suggested by the Honourable Member but to the fact that the pay of Indian Commissioned Officers of the Indian Army was originally intended to approximate to that of the British Service. It has, however, been improved and I lay upon the table a statement showing the rates of pay which an officer of the British Service in the Middle East would get in typical circumstances compared with those of an Indian Commissioned Officer. It will be seen that the Indian Commissioned Officer is better paid in all ranks and in addition he has to pay much less income-tax. For example, a British Service Second Lieutenant (unmarried) draws Rs 290 per mensem and an Indian Second Lieutenant (also unmarried) Rs 410.

(c) There is no racial discrimination

Comparative statement showing the rates of pay and allowances admissible to British Service Officers of the Home Establishment and Indian Commissioned Officers serving in Middle East and accommodated and fed at Government expense

Rank	British Service Officers					Indian Commissioned Officers				
	Pay of rank converted at 1s 6d	Colonial allowance	Total single	Family allowance	Total married	Rank	Pay of rank	Expat allowance	Total single	Total married
Lt-Col	Rs 860	Rs 70	Rs 930	Rs 190	Rs 1,120	Lt-Col	Rs 1,000	Rs 70	Rs 1,070	Rs 120
Major (22)	670	70	740	150	890	Major (22)	800	70	870	85
Major	570	70	640	150	790	Major	800	70	870	80
Captain (14)	470	70	540	150	690	Capt (8 yrs as such)	650	70	720	60
Captain (11)	380	70	450	150	600	Capt (6 yrs as such)	600	70	670	50
Captain	330	70	400	150	550	Capt (4 yrs as such)	550	70	620	50
Lieut (6)	290	70	360	120	480	Capt (2 yrs as such)	500	70	570	50
Lieut .	260	70	330	120	450	Captain	450	70	520	50
2nd Lieut .	220	70	290	120	410	Lieut (3 yrs & 9 mths as such)	400	70	470	40
						Lieutenant	350			
							plus 15	70	435	40
							(a)			
						2nd Lieut .	300	70	410	40
							plus 40			
							(b)			

(a) Rs 15 messing allowance which is granted even when free rations are given

(b) Rs 40 messing allowance which is granted even when free rations are given

Sardar Sant Singh: May I know if any allowance is paid to Indian officers when they are serving in Egypt?

Mr. C. M. G. Ogilvie: Yes, I have said that

Sardar Sant Singh: What is the rate of allowance there?

Mr. C. M. G. Ogilvie: The expatriation allowance in Egypt is Rs. 70

Sardar Sant Singh: What is it in the case of British officers there?

Mr. C. M. G. Ogilvie: British officers also receive Rs. 70 in Egypt

Dr. R. D. Dalal: Is it a fact that Indians resident in England have been given exactly the same facilities for enlistment in all fighting services as are extended to volunteers from the Dominions?

Mr. C. M. G. Ogilvie: Yes, Sir

Lieut.-Colonel M. A. Rahman: Do Indian officers when they go overseas get any overseas allowance?

Mr. C. M. G. Ogilvie: Yes, they get what is called an expatriation allowance

Mr. M. S. Ansy: Are both allowances treated on the same scale?

Mr. C. M. G. Ogilvie: In the cases of British officers and Indian Commissioned officers it is called expatriation or Colonial allowance, and the scale is the same

DECLARATIONS FOR INCREASING THE NUMBER OF INDIANS IN THE ARMY

53. *Mr. Lalchand Navalrai: (a) Will the Defence Secretary be pleased to state if it is a fact that His Excellency the Commander-in-Chief declared in his broadcast speech last year that Indians will be given their full share and will be taken in increased numbers in the Army?

(b) Is it a fact that it was announced by Government that new formations will be officered to the fullest extent possible by Indians?

(c) If the answer to part (a) or (b) above be in the affirmative, will the Defence Secretary be pleased to state if these declarations have been given effect to? If so, how and to what extent has the number of Indian officers been increased?

(d) If any such action has been taken, is it for war purposes, or permanently?

(e) Is it a fact that sometime ago about 370 Europeans were trained as officers and were under training at Bangalore, and will the Defence Secretary please state if any Indian officers have been trained there or are under training? If not, why not?

(f) How many Indians from Dehra Dun have been recruited as officers since the commencement of the war and what number of officers is under training there now?

(g) How many Indian officers have been recruited specially in connection with the war?

Mr C. M. G. Ogilvie: (a) Yes

(b) It has not been possible to trace this statement

(c) Yes No Indian candidate who was considered likely to make a good officer has been refused

(d) At present all new commissions are emergency commissions

(e) Yes The answer to the second part of the question is in the negative and the reason is that the courses are not altogether the same. It is, however, possible that at some future time it may be found convenient to mix British and Indian cadets both at Mhow and Bangalore

(f) 216 Indians from Dehra Dun have been given commissions since the beginning of the War, and 128 are at present under training there

(g) All recruitment of officers at present is in connection with the war. The number of Indian Officers recruited since the beginning of the war is 1752

Mr. Lalchand Navalrai. With regard to clause (a), may I know what is meant by a full share to be given to Indians?

Mr. C. M. G. Ogilvie: Am I expected to define the term 'full share'?

Mr Lalchand Navalrai: Is it that all appointments will be given to Indians?

Mr President (The Honourable Sir Abdur Rahmān) Full share is used in the question itself

Mr. Lalchand Navalrai: I am asking what is meant by saying that full share will be given to Indians

Mr. C. M. G. Ogilvie: I have no idea what the Honourable Member means by a full share

Mr. Lalchand Navalrai: Is it that the same percentage of employment will be given to Indians?

Mr. C. M. G. Ogilvie: All I can say is that no suitable officer who was considered likely to make a good officer has been turned away. I think that probably will satisfy the Honourable Member

Mr. Lalchand Navalrai: How many have been taken?

Mr. C. M. G. Ogilvie: I have given the answer to that

Mr. Lalchand Navalrai: May I also know that under some Indianisation scheme a few educated Indians were or are being trained at Chaklala workshops for 5 or 6 years to replace the B O R's?

Mr. C. M. G. Ogilvie: I cannot see that that arises out of this question

Mr. Lalchand Navalrai: May I know how many people from the Chaklala training centre have been given Commissions?

Mr. C. M. G. Ogilvie: I should require notice of it

Lieut.-Colonel M. A. Rahman: In view of the fact that there are some European cadets under training with other Indians at Mhow, will the Honourable Member consider the feasibility of mixing both together at the various centres as quickly as possible?

Mr. C. M. G. Ogilvie: I have said that as soon as it is found convenient to do so, that will be considered. In regard to the mixing of both classes of cadets, the difficulty consists in the fact that there are differences in the courses. It is hoped that this can be overcome. More I cannot say at this moment.

Dr. R. D. Dalal: In view of the fact that European cadets have had preliminary military training, it would seriously complicate the training syllabus of the officers' training schools at Bangalore and Belgaum if Indians are admitted to those schools, and is it a fact that fine institutions like the Indian Military Academy at Dehra Dun and the Officers' Training School at Mhow exist for the training of Indians?

Mr. C. M. G. Ogilvie: Yes, these institutions do exist at present for the training of Indian officers, but the difference in courses is due not to the fact that some or most of the British cadets have had some preliminary military training. It is almost entirely a matter of instruction in the language.

Qazi Muhammad Ahmed Kazmi: Will the Honourable Member please enquire from His Excellency the Commander-in-Chief the meaning of the term "full share" that will be given to Indians?

Mr. C. M. G. Ogilvie: I cannot add anything more to what I have already said, that no Indian candidate who was considered suitable was refused.

RECRUITMENT OF NON-MARTIAL CLASSES IN THE ARMY

54. *Mr. Lalchand Navalrai: Will the Defence Secretary be pleased to state if Government have abolished their policy, which was of long standing and was objected to by Indians, of recognising martial and non-martial classes? If so, have any people who were formerly classed as non-martial been recruited in the army and also appointed as officers? If so, how many and from which Provinces, including Sind?

Mr. C. M. G. Ogilvie: Government have never had any such policy. The Honourable Member is referred to my answer to Mr. G. V. Deshmukh's starred question No 169 of 19th November, 1940, for an exposition of the position and also to the answers to the following questions.

Sardar Harbans Singh Brar's question No 707 of 14th April, 1934

Rai Bahadur Lala Jagdish Prasad's question No 66 in the Council of State of 7th March, 1935

Mr Ram Narayan Singh's question No 934 of 21st March, 1935

The Honourable Member's own question No 13 of 2nd September, 1935

Mr Ram Narayan Singh's question No 725 of 22nd September, 1937

As regards figures, I refer the Honourable Member to those given in the statement laid on the table on November 7th, 1940. It is not in the public interest to bring these up to date.

Mr. M. S. Anay: When did the Honourable Member take charge of the office of Defence Secretary?

Mr. C. M. G. Ogilvie: It was in 1937, but I possess the previous records.

Mr. Lalchand Navalrai: May I know if the Honourable Member denies the fact that there was a time when Government took people only from what is called the martial classes and rejected those that did not belong to these classes?

Mr. C. M. G. Ogilvie: I deny it absolutely. Government have repeatedly explained in this House that they never regarded the terms martial and non-martial as possessing any meaning at all. They have been coined entirely by politicians.

Mr. Lalchand Navalrai: Is it a fact that people are being recruited only from certain provinces and not from all provinces?

Mr. C. M. G. Ogilvie: The army, as has been repeatedly explained, is normally kept at a certain size and of course it grows in time of war, but it is Government's policy to choose to enlist those classes who have shown by experience to provide the best bulk supply of military material.

Mr. Lalchand Navalrai: Is that policy of choosing still going on or has it been abandoned?

Mr. C. M. G. Ogilvie: No, Sir. Even in wartime we prefer the best.

PROGRESS IN THE MECHANIZATION OF THE INDIAN ARMY

55. ***Mr. Lalchand Navalrai:** Will the Defence Secretary be pleased to make a full statement as to the progress made in the mechanization of the Indian Army and state the number of Europeans, Eurasians and Indians trained in it and of those under training?

Mr. C. M. G. Ogilvie: It would not be in the public interest to disclose the details of the progress so far made in the mechanisation of the Indian Army. I may add for the information of the Honourable Member that units, not classes or individuals, are trained in mechanized warfare.

Mr. Muhammad Nauman: May I know if the Honourable Member can at least tell us that it is going to be on the same lines as in the United Kingdom or other parts of Europe?

Mr. C. M. G. Ogilvie: On the same lines? I hope, Sir, even on better lines.

Qazi Muhammad Ahmad Kazmi: Are any Indians included in the mechanised army?

Mr. C. M. G. Ogilvie: Yes Sir. A large number.

Qazi Muhammad Ahmad Kazmi: Can the Honourable Member, without any danger of disclosure tell us as to the proportion of Indians in the mechanised army as compared to Europeans?

Mr. C. M. G. Ogilvie: No Sir. All I can say is that the mechanisation of the Indian army is progressing as favourably and well as could possibly have been expected.

Mr. Lalchand Navalrai: May I know if a considerable number of Indians have been taken for this mechanisation?

Mr. C. M. G. Ogilvie: People are not taken for mechanisation. Units of the army, battalions, batteries and regiments are mechanised.

Mr. Lalchand Navalrai: Is it a considerable number?

Mr. C. M. G. Ogilvie: Yes. It is a very considerable number.

RECRUITMENT FOR THE NAVY FROM THE CENTRAL PROVINCES AND BERAR

56. ***Mr. Govind V. Deshmukh:** (a) Will the Defence Secretary please state if any men were recruited last year from the Central Provinces and Berar for the Navy? If so, how many?

(b) Is any of them at present an officer?

Mr. C. M. G. Ogilvie: (a) and (b) Yes. One Officer and nine ratings.

Mr. Govind V. Deshmukh: How many were recruited?

Mr. C. M. G. Ogilvie: That is the answer I have given. One officer and nine ratings.

RECRUITMENT FOR THE INDIAN ARTILLERY

57. ***Mr. Govind V. Deshmukh:** Will the Defence Secretary please state

(a) if there was any direct recruitment for the Indian artillery last year,

(b) if any men from the Central Provinces and Berar were recruited for it, if so, how many, and

- (c) if there were any Mahrattas and Maharashtra Brahmins amongst those recruits, if so, how many?

Mr. C. M. G. Ogilvie: (a) and (c) I refer the Honourable Member to the answer given to part (e) of his own stated question No 169 of 19th November, 1940

(b) Yes, 13 men

Mr. M. S. Anay: No additions were made after that date?

Mr. C. M. G. Ogilvie: I think not

Mr. F. E. James: Thirteen from the Central Provinces and Berar of this how many came from Berar, and from Berar how many came from Amraoti?

Mr. C. M. G. Ogilvie: I should be glad to have notice of that question

PAY AND ALLOWANCES GRANTED TO SEVERAL GRADES OF THE COMMISSIONED OFFICERS

58. *Dr. Sir Ziauddin Ahmad: (a) Will the Defence Secretary please lay on the table a statement showing the pay and all allowances granted to the several grades of the commissioned officers (both permanent and emergency)?

(b) Is there any difference between the pay and allowances in the case of (i) Indians and non-Indians, and (ii) Indians and Anglo-Indians? If so, why?

Mr. C. M. G. Ogilvie: (a) The pay and allowances of the several grades of permanent commissioned officers are contained in Pay and Allowance Regulations for the Army in India, copies of which are in the Library of the House

The pay and allowances of the several grades of emergency commissioned officers are laid down in Army Instructions (India) Nos 12, 13 and 945 of 1940, copies of which are in the Library of the House

(b) (i) Yes I refer the Honourable Member to the answer I have just given to question No 52

(ii) No

ARRANGEMENTS FOR DEFENCE OF INDIA

59. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Home Member be pleased to state what arrangements have been made for defence of India in case of any attack by outsiders,

(i) by air,

(ii) by sea,

(iii) by land?

(b) How many anti-aircraft guns have already been actually in existence, and how many may come to exist after being manufactured in Indian Workshops within the next six months from date?

(c) What arrangements have been made for adequate measures of protection against aggression by sea?

(d) What arrangements have been made for the manufacture of aeroplanes in India for air fights in India?

Mr. C. M. G. Ogilvie: (a) to (d) It is not in the public interest to answer these questions

Qazi Muhammad Ahmad Kazmi: Have arrangements been made for the defence of India in cases of any attack by outsiders? Is it admitted or not?

Dr. P. N. Banerjee: Have any arrangements been made?

Mr. C. M. G. Ogilvie: Certainly

Maipvi Abdur Rasheed Chaudhury: May I know if there is any arrangement regarding Assam?

Mr C. M. G. Ogilvie: Does not arise

60 ***Mr. Amarendra Nath Chattopadhyaya:** I do not put question No 60

NATIONAL DEBT OF INDIA

61. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable the Finance Member state the amount of National Debt of India as it stands at present, giving

- (i) details of causes that led to the raising of such debts,
- (ii) time of loan raised,
- (iii) amount of loan raised,
- (iv) occasion for raising loan,
- (v) rates of interest, and
- (vi) total interest paid on the amount of national debt?

The Honourable Sir Jeremy Raisman: The information required by the Honourable Member will be found in the Finance and Revenue Accounts, copies of which are available in the Library of the House, in the Return of the Rupee Debt of the Central Government of India which is published every month in the Gazette of India and in the statement laid on the table of the Council of State by Sir Alan Lloyd on the 14th April, 1939, in reply to Question No 283

SINKING FUND FOR PAYMENT OF INDIA'S NATIONAL DEBT

62. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable the Finance Member please state if there is any sinking fund created to pay off India's National Debt? If so, will he state the present amount of the sinking fund? Or is a simple system of conversion loan adopted for payment of loan?

The Honourable Sir Jeremy Raisman: The attention of the Honourable Member is invited to accounts Nos 42 and 99 of the Finance and Revenue Accounts, copies of which are available in the Library

DESIRABILITY OF TRANSFORMING THE FEDERAL COURT INTO THE PRIVY
COUNCIL OF INDIA

63. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Home Member please state if the Federal Court would be transformed into the Privy Council of India in view of the present war crisis?

The Honourable Sir Reginald Maxwell: Presumably the Honourable Member has in mind the question of extending the appellate jurisdiction of the Federal Court to cover appeals from the decisions of High Courts in certain civil cases. The matter is under consideration.

Mr. M. S. Aney: Is it a fact that the Government of India are proposing to introduce legislation in this House for the purpose of enabling litigants to file certain kinds of appeal in the Federal Court?

The Honourable Sir Reginald Maxwell: I have said that the matter is under consideration. Whether legislation is introduced or not will depend on the decision reached.

UNSTARRED QUESTION AND ANSWER

INCOME, EXPENDITURE, ETC. OF THE ALLAHABAD CANTONMENT BOARD

6. Qazi Muhammad Ahmad Kazmi. Will the Defence Secretary please state

- (a) the income and expenditure of the Allahabad Cantonment Board during the last five years, and the amount of the reserve fund during that period,
- (b) the amount collected from water-tax from the residents of the Cantonment area and the amount spent on water supply, excluding the entitled consumer during the last five years by the Allahabad Cantonment Board,
- (c) when the areas now occupied by Baghara, New and Old Lascar Lines, Kydgung and Ghalla Bazar, were acquired by the Military authorities from whom they were acquired and on what terms,
- (d) if they were purchased, what the consideration paid for them was, and
- (e) if they were not separately acquired but were acquired as a part of a larger area, what that area was and what the consideration paid for the whole was and on which date or in which year the acquisition was made?

Mr. C. M. G. Ogilvie: I am collecting the information and will lay it on the table in due course.

THE MUSLIM INTESSTATE SUCCESSION BILL

Nawab Siddique Ali Khan (Central Provinces and Berar Muhammadan) Sir, I move

"That the Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim Community be continued."

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That the Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim Community be continued."

The motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions Muhammadan Rural) Sir, I beg to move

"That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, (insertion of new section 135A), be taken into consideration"

The grounds for moving this motion are mentioned in the Statement of Objects and Reasons

"The Indian Railways Act, 1890, came into force on the 1st day of May, 1890, and the Schedule Tax Rules were published in December, 1920, under which the local authorities were empowered to levy a tax on buildings, trades, professions, callings and in return for services rendered. The Secretary, Railway Board, in a letter No 62 F/17, dated the 5th June, 1922, exempted all subordinate staff of railways, irrespective of their pay, from payment of all taxes (except electric power lighting charges) whether the services are rendered by the railway or by a municipality. But the Local Self-Government Department of the United Provinces held that the liability of railway employees to circumstances and property tax levied by District Boards is not affected by the said exemption. Consequently the District Boards have imposed that tax by assessing the remunerations of a railway employee paid for the service under the railway, which is in fact nothing less than an income tax in disguise. The anomaly has caused great confusion, harassment and hardship. Thus legislation is considered necessary"

The facts are that the gazetted officers of the railways, who are highly paid officials, reside mostly in places where there are municipalities and big stations and the lower staff of the Railway Department mostly resides near the small stations, rather in the compounds of the small stations. This district board tax is not levied on the superior staff of the railway but it is imposed on the poorer staff of the railway, who reside within the precincts of the railway compound and, therefore, the ordinary pay of these people who may be called and are generally known as cabin men, porters etc. is taxed by the district board and the station master, unless his pay is less than Rs. 90, is not allowed to remain in the small station and those who get pay above Rs. 90 are mostly stationed in places where there is a municipal tax and not the district board tax. My object in moving this amendment is not that the district boards or any local boards should be deprived of any tax which they can collect from these people on circumstances and property. My object in moving this Bill is this. As the Government of India by its notifications which are published in the *Gazette of India* makes exemptions in the cases of several municipalities and also of district boards, they should make an exemption in the case of these lower staff of the Railway Department. If these people who are drawing pay less than Rs. 90 have to remain in small stations, then, it is rather too much for the Government or the local boards to tax these people. My object is that the district board should not levy a tax on these small people, who live in small stations. I may refer here to the Government Gazette of the 24th March, 1934, Notification No. 9220-F which says

"In pursuance of sub section (1) of section 135 of the Indian Railways Act, 1890 (IX of 1890), the Governor General in Council is pleased to declare that the administration of the Assam Bengal Railway shall be liable to pay in aid if the funds of the local authority set out in the first column of the schedule annexed hereto the tax specified in the second column thereof"

Schedule

Local Authority	Tax
Habiganj Municipality	Rate on holdings "

[Mr Muhammad Azhar Ali]

In the same manner, on page 380 of the *Gazette of India*, dated the 17th March, 1934, there are two notifications, one is No 9112-F, exempting Burdwan and the other is No 9211F exempting Thakurkona and Singherbanga from the union rates. In the same manner again the Government of India exempted the local authority of Ravanasamudram Panchayat by their notification No 2857F, dated the 27th February, 1934. Likewise, on the 27th January, 1934, by Notification No 9136F, the Manamadurai and Tirupuvanam Panchayats were exempted by the Government of India itself.

Therefore, the Government of India has got power to exempt these low paid staffs from taxes of district boards. Then why not legislate for the exemption of the railway staff situated in the precincts of the railways generally. My object in moving this motion is to give relief to the inferior, not to the superior, staff. When the Railway Departments apply to the Central Government, they get exemption in certain places from the imposition of taxes on inferior servants, as I have shown from the *Gazette*. My aim here is to introduce a new provision in the Railways Act, section 135A which will be as follows:

"135A A railway servant holding an appointment in the ranks (superior or inferior) of non gazetted establishment of a railway shall not be liable to pay any tax on circumstances, and property, while ordinarily residing or carrying on business in the railway, in aid of the funds of any local authority.

Provided that such railway servant has no other means on circumstances and property than the service under the railway, and that the burden of proof of such other means for the assessment of any tax in aid of the funds of any local authority shall be on the local authority."

Now, Sir, the point is that this tax is levied on circumstances and property. I ask what circumstances these poor railway servants have except their pay. I say none. What property do they hold on the railway station. None. Under these circumstances if they are liable to pay tax on property, it will be a hardship. These people own no property in the railway station and moreover they are transferred from place to place. What will be the condition of these people if they are subjected to this tax, either from their pay it is deducted or in respect of this tax they have attachments. I trust that the Railway Department will accept my amendment and give relief to these poor servants of the Railway. I do not ask anything for the superior staff. I do not ask for anything which is unreasonable. It is only for the poor people on the Railway Department that I am moving this Bill. With these words, I move

Mr. President (The Honourable Sir Abdul Rahim) Motion moved

"That the Bill further to amend the Indian Railways Act, 1890, for certain purposes (insertion of new section 135A), be taken into consideration."

There is an amendment to this motion in the name of Maulvi Muhammad Abdul Ghani. Does he wish to move it?

Maulvi Muhammad Abdul Ghani (Tirhut Division, Muhammadan)
Yes, Sir, I beg to move

"That the Bill be circulated for the purpose of eliciting opinion thereon, and be published in the Railway Administrations' *Gazettes* for opinion of railway servants by the 31st August, 1941."

Sir, the Bill relates to certain employees of Railways. We are quite in the dark whether it really affects them or not. Therefore, it is desirable that the House should have some information of the opinions of these people whom the Bill affects. I have, therefore, thought it proper to move this motion and I hope the House will accept it.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved.

"That the Bill be circulated for the purpose of eliciting opinion thereon, and be published in the Railway Administrations' *Gazettes* for opinion of railway servants by the 31st August, 1941."

The debate will now proceed on both the original motions and the amendment.

The Honourable Sir Andrew Clow (Member for Railways and Communications). Sir, I am afraid the Honourable Member who moved the consideration of this Bill is in error both as regards the law and as regards the facts, and I am not at all surprised that the Honourable speaker who followed him said that he was in the darkness about it. There is a good deal of darkness about it.

The first point which I would ask the House to bear in mind is that even if they pass this Bill, it will be entirely ineffective for the purposes the Honourable the Mover has in view. This House has no power to exempt servants of the Central Government or anyone else from provincial taxation, and the provisions of the Bill would certainly be held to be *ultra vires* if any case arose, so that really the whole point of the Bill goes at the start. There is no such power to exempt. I am afraid that Mr. Azhar Ali was perhaps misled by the Railway Board itself because he refers in his Statement of Objects and Reasons to an exemption and he referred in his speech to that exemption granted by the Railway Board a considerable number of years ago. Well, I believe the Railway Board at that time were themselves in a little obscurity as to the effect of the reforms of 1920, but they soon discovered that the exemption fell on themselves and that they could not exempt in the sense of depriving Provincial Governments or the local bodies of taxation. What they are actually doing at the moment in respect of the exemption is that they are paying the tax themselves, and I would call attention to the fact that they are paying the tax for subordinates and not for the gazetted officers. My Honourable friend tried to suggest to the House that there was some great distinction here between the poorer classes of railway servants and the better ones. So there is, but the distinction is that it is the subordinates who get this exemption and not the gazetted officers. Actually, neither this House nor the Railway Board can grant an exemption from taxation of this kind.

I listened carefully to my Honourable friend's speech but I failed to discover a single reason why the local bodies should be deprived of the tax, or why railway servants should be placed in a privileged position in comparison with other men, just as poor, just situated as themselves. These taxes are levied in order to provide certain facilities. There is no obvious reason why a railway servant, just because he is a railway servant, should be exempt from the tax. It would merely be one way of increasing his pay at the expense of the local body if in fact the Bill could be effective, as I have said earlier, it cannot be effective for the purpose in view.

[Sir Andrew Clow]

Then, let me come to what I believe to be the real reason behind the Bill. My Honourable friend refers at the conclusion of his Statement of Objects and Reasons to an anomaly. I will admit there is an anomaly, in this sense that in municipalities subordinates do not have to pay the tax because the Railway Board pays it for them, and when they come to places where this tax applies, they find they have to pay the tax and some of them show resentment at having to do so. I admit that there is a certain element of anomaly in that, but if the House would expect me to remove an anomaly of that kind, it should I think be removed by withdrawing the so called exemption that has been given, and not by moving in the other direction. I do not think that that exemption is one which we would have given today, and without desiring to criticize the action of the Railway Board in those days, I would say that those were days when people were perhaps in a more expansive mood than they are in today. The only reason we have left it and not repealed it is because the taking away of a privilege is always felt, and there would be some hardship in taking away a thing which has been enjoyed for a considerable number of years. I hope I have said enough to convince the mover of this Bill that even if it were sound in principle, it would not achieve the object which he has in view and that, in principle, it is thoroughly unsound, and I suggest that he should withdraw the Bill.

Mr. M. S. Aney (Berar Non-Muhammadian) Sir, I am afraid I entirely agree with the Honourable the Member for Communications in what he has just said.

An Honourable Member: Why are you afraid to agree?

Mr. M. S. Aney: I am afraid of being compelled to oppose the learned Mover hereafter, otherwise there is nothing else to be afraid of. Sir, it is perfectly clear that if this Bill is allowed to pass into law, it will affect certain legislation passed by the Provincial Governments which was entirely within the competence of the Provincial Legislatures. If my Honourable and learned friend, Mr. Azhar Ali, had taken care to look into the relevant sections of the Government of India Act, sections 99 and 100, he would have found that under the Act of 1935 a clear distinction has been made between subjects in List I, List II and List III and this subject was covered by List II,—and, therefore, it was only the Provincial Governments that alone could make any law to exempt those who had been taxed by them and nobody else could do that. That is the trouble of it. Therefore even if we were very favourably inclined towards the subordinate staff for whom my friend feels so much and most of us also, feel like that, I think this is a matter regarding which we are practically helpless as legislators. Secondly, I also agree with another principle which the Honourable Member for Communications has laid down. Because a man is a Government servant I do not recognize him as entitled on that ground to any special privileges at all. Whether a man is a Government servant or a railway servant or a private servant, he draws a certain salary and he must, in my opinion, be subject to the same liability which a man of his income has under ordinary law to submit to. Because he happens to be a public servant, that ought not to give him a higher status or a privileged position. This policy of creating the Government servants as a privileged class for the purpose of exemption from certain taxation or the

conferring of certain kinds or concession for the education of their children is one I do not approve of. That is a wrong policy in my opinion and not at all sound policy. It is true that the Railway Board in the year 1920 or some year before that itself promulgated a circular with a view to the exemption of its servants from this tax. There has been a tendency in certain Departments to secure certain kind of concessions for their own servants. If they can do it out of the resources available to them, they may do so, but when it comes to affect the rights of the Legislature and the revenues collected by the taxation on the general public, I do not think it is a good policy to make any invidious distinction or to lay down any exemptions in favour of Government servants because they happen to be Government servants. The Government servants irrespective of their pay and emoluments must submit to duties and responsibilities and stand on the same footing as the other citizens of the country. From that point of view also I do not think that the Bill is rightly and properly conceived. I, therefore, have to oppose the motion of my friend.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, there is one point which is not quite clear to me and I hope the Railway Member or any other Government Member will throw light on it. I understand that if a Railway servant has taken a house in a municipality, then he is treated just like other citizens of the town and he is subject to all the regulations that the municipality may frame for its residents. But if a Railway servant is residing in a railway building which is outside the municipal limits and in the case of the smaller towns outside the District Boards will he then be liable to pay tax. These railway buildings are outside the municipal limits because the roads in these areas are repaired by the railways and not by the municipalities. The light on the roads is also provided by the railway and not by the municipalities. The railways collect their own taxes from the *tongas* and *ekkas* which ply in these areas. If these buildings are taken to be outside the jurisdiction of the municipalities and the district boards for providing facilities and other things, then it is worth consideration whether they should not be exempted from those taxes from which they enjoy no benefits.

Mr Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa Muhammadan) Sir, I have heard with great interest the speech of the Honourable Sir Andrew Clow in which he tried to explain to us that the Bill was not in order as this House was not competent to legislate for exemption of the employees of the Central Government from Local taxes as the railway employees happen to be. The position as I understand is that the railways pay to the local bodies taxes on their buildings. Can they not make arrangements by means of which even those houses which are occupied by their employees be treated as the houses in possession of the railways and the taxes to be paid by them in addition to what they have been paying for all the other properties that they may be holding. The only purpose of the Bill, as my Learned friend, Mr Muhammad Azhar Ali, has explained, is that it seeks to give relief to the railway employees, particularly those who are drawing low salaries, by legislating for their exemptions. I am not very clear what attitude the Federal Court would take if this House passed a Bill to that effect. If the Honourable Sir Andrew Clow is convinced of the legal position and he thinks that we cannot legislate for any exemption from local taxation then the only other alternative

[Mr Muhammad Nauman]

would be to seek some relief for these railway employees through that method which Sir Andrew Clow has himself said to be 'Anomalous',—he has pointed it out in a different way. He said that instead of giving a further relief to employees of lower rank, we should withdraw those privileges which are enjoyed by one class of employees and thus bring them on the same level in order to avoid anomalies. I am proposing something very different and I would like the Honourable Member to explain to us the Governments' attitude. After hearing the Government explanation, we may think over whether this Bill should go through or some other steps should be taken. With these few remarks, I resume my seat.

Mr B. M. Staig (Financial Commissioner, Railways) Sir, with regard to two points that have been raised since the Honourable the Railway Member spoke, I would say in reply to my Honourable friend, Di Sir Ziauddin Ahmad, that the taxes at present borne by the Railways are borne wholly in respect of railway buildings. They are not borne in respect of any other buildings occupied by railway servants. Mr Muhammad Nauman has asked that Government should add to its liabilities in order otherwise than at the expense of a District Board to relieve railway servants of the taxation to which they are now liable under the District Boards Act. The Honourable Member for Railways has already explained that the present Government and we of the Railway Board, are very doubtful indeed whether the liability which was undertaken in 1922 to pay on behalf of railway servants the taxes to municipalities which we now pay should ever have been undertaken. I doubt therefore, if the Honourable Member can reasonably expect us to acquiesce in the further liability he has now suggested. Government are not prepared to undertake any further measures for the relief of railway employees in respect of municipal or district board taxes.

Mr. Muhammad Azhar Ali: Sir, by bringing this Bill before the House my only object was that if the Railway Department could see the anomaly which has been referred to by the Railway Member himself it would have been very kind and gracious of them. But, on the other hand, I find that the Railway Member is not prepared to give relief of any kind and my friend, Mr Staig, has said that they are not prepared to add any more to their liabilities, although they have incurred some liabilities in respect of municipalities. Then, it has been said by my friend, Mr Aney, that the Government of India has no power to amend the Act to give relief to these railway servants. If that is the case then the Railway Department themselves by some amendment of the Act can give some relief to these poor people. It has been said that the District Boards are not to be deprived of the amount which they levy on these poor people. In that case, the Government ought to take the responsibility of relieving these people. My object was not that the District Boards should be deprived of their amount. As I find, Sir, that the Railway Member is not inclined to accept my motion, I have no other alternative today but to withdraw it.

The motion was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim) As the motion has been withdrawn, the amendment also falls through.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

Mr. Lalchand Navalrai (Sind³ Non-Muhammadian Rural) Sir, I move

"That the Bill further to amend the Code of Criminal Procedure, 1898 (amendment of section 4) be taken into consideration"

Sir, there is an amendment for circulation and if that is also moved, then it will save the time of the House and I may not take long to put forward my case

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member had better do his part

Mr. Lalchand Navalrai: All right Sir, this Bill attempts to amend section 4 of the Criminal Procedure Code. I must at the very outset say that this Bill pertains to the field of lawyers, but when I explain what I want, it will be clear to every one though he be not a lawyer that this amendment is also in the interests of the public—the litigants and parties who seek redress in criminal courts. Now, Sir, I do not think it requires many words to speak in support of this Bill because when I explain the point, it will be appreciated and in view of the times that have changed I am sure my amendment will be considered reasonable.

Now, section 4 (1) (r) of the Code of Criminal Procedure is what I am referring to. Before I read out that section, I must say that this section refers to representation by certain classes of people as lawyers and others on behalf of clients. What I want is that the particular class of people who are now allowed under this sub-section to practise in courts should not continue. That section 4 (1) (r) says

"Pleader used with reference to any proceeding in any court, means a pleader (or a mukhtar) authorized under any law for the time being in force to practise in such court and includes (1) an advocate, a vakil and an Attorney of a High Court so authorized, and (2) any other person appointed with the permission of the Court to act in such proceeding."

My amendment is that the words in the last line, "any other person appointed with the permission of the Court to act in such proceeding" should be deleted. In other words, I say that any person who is not authorised by law and on whom there is no responsibility or is not subject to any rules to guide and make him responsible, that gentleman should not be allowed to practise in courts with merely the permission of the Court. That would be allowing a person to be at the sweet will and pleasure of the Court and may easily get permission from the court and appear at any time coming in the way of all other legal practitioners from appearing on behalf of that person. Therefore, I am submitting that this portion of the clause is not necessary at present times and it should be deleted. In other words, representation should be restricted to pleaders and advocates and attorneys and Barristers and even those persons who are called mukhtars who pass certain required examinations and are subject to certain rules and regulations. That is the view of my amendment. I have received representations from some parts of India with regard to these 'other persons' and they are mostly from Madras. They say that this provision has outlived its time and should be deleted.

Mr. N. M. Joshi (Nominated Non-Official) Who says so? Are they all pleaders from Madras?

Mr. Lalchand Navalrai: No, other people also.

Mr. N. M. Joshi: Did you enquire whether all of them are pleaders or not?

Mr. Lalchand Navalrai: From the references in those communications, I understand they are not all of them vakils or barristers, but there are also others who want this provision to be deleted. It is this other class of people who are really causing mischief. No doubt there was a time when legal assistance was not readily forthcoming. But those were antiquated times when some people, in order to give some help to litigants were allowed to practise in courts and this provision was made that any person can be appointed with the permission of the court to act in such proceedings. I can say that it is a dead letter in many of the places in India, but still there are some provinces where this class of people does exist even now. In some places there are the pets of these Magistrates who are given special permission to appear at the sweet will and pleasure of the magistrates. My contention is why such a provision should exist? It is not reasonable and desirable to keep this provision intact now-a-days. I, therefore, submit my amendment should be accepted. Is there any need at this time for this class of people? If there is any need, then it is different. At present we have a large number of Members of the bar available, if anything the bar is already overcrowded and some of them are actually hard up for work. Why should a magistrate be given authority just to choose certain persons and make them his favourites and allow them to appear in cases. The point is very plain. There is absolutely no need for this class of persons at this time when the legal profession is highly developed and there are any number of pleaders, barristers and advocates carrying on then legal practice. Then, who are these people? They may or may not have any academic qualifications but have not passed any legal test. They may or may not know the English language, but still the magistrate may permit him to carry on, and that is injurious to the interests of the clients and the litigants. If there is any complaint against him it has to be made to the same magistrate who may perhaps not countenance it and regard it justified. So I submit that it is not just or reasonable to allow them to carry on any longer. They actually get patronage from these magistrates and on the strength of that they mislead people and demand larger fees. Of course all of them may not be unscrupulous but there are surely cases of that type. Some of them may become a sort of middlemen between some magistrates and the litigants.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions Non-Muhammadan Rural) Do you get them in any other part of India except Madras? At least they are not found in Bengal.

Mr. Lalchand Navalrai: That is why they should not be allowed to exist any longer anywhere. The system is found mischievous and should be done away with and only those who have passed examinations under the recognized laws should be allowed to practise. I myself have got a letter from a retired inspector of police who is allowed to practise. Is it not a very harmful thing? What does he know of law? He may have investigated a few criminal cases but in that line his mentality may have got vitiated. It may be said that barristers and advocates are costly people. But that is not the case now. On the other hand these outside unauthorized

people make contracts for success with their clients and extract more fees. There was also a provision in this clause about unauthorized mukhtars but that has now been deleted. I submit that these men who have not got the proper education and responsibility should not be given any chance of any more following unscrupulous methods. The dignity of the bar gets compromised if one side is represented by an advocate and on the other side only an uneducated man, and if he somehow by the court's patronage wins the case he boasts to have scored a point over the barrister or an advocate.

It may be said that as these people have been doing work with permission for a very long time they may be allowed to continue. But that is no reason at all. There is no need for them now. It should be remembered that in this House legislation has been made recently taking away the privileges from unauthorised persons who called themselves 'Income-tax experts', and only allowing work to be done by pleaders and advocates. I am referring to the amendment made in the Income-tax Act which did away with so-called 'experts'. Why should the system continue with respect to the Criminal Courts? These people working with permission call themselves 'private vakils', although we know that vakils are men who have passed legal examinations. The inspector of police to whom I referred styles himself as a 'private vakil'. I do not think any credit should be given to these people and allowed to be called private vakils. As regards the income-tax side, an amendment has been made and no new so-called expert will be allowed there.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural). Are these private vakils LL.B.'s?

Mr. Lalchand Navalrai: You are just like the gentleman who having heard the whole story of Ram and Ravan, asked at the end who was Ram and who was Ravan. I have explained that they are uneducated people, they have not passed any examination and they are not responsible under any law. No Legal Practitioners Act applies to them.

Dr. Sir Ziauddin Ahmad: What is the harm?

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member not be interrupted.

Mr. Lalchand Navalrai: I began by saying, they are only mischief makers.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Chair.

Mr. Lalchand Navalrai: As income-tax experts have gone into oblivion—they are no more needed, so should these people disappear from courts. In their case there will be no difficulty in removing them altogether by deleting the provision of the law. In the representation I got it is pleaded that the magistrate can correct them if they misbehave, but they are their creatures. When they find there are pleaders and barristers available, and yet they appoint these people, how can they be expected to take notice of their conduct?

[Mr Lalchand Navalrai]

I have made it clear that this provision is very harmful and should be deleted. If my amendment is allowed, there will be purity of justice, purity of representation and even purity in the persons whom they represent.

I find there is an amendment for circulation. If after all the points I have put forward the Honourable the Home Member still wants to call for opinions—I do not think there will be many who wish this class of people to exist—I shall not stand in his way but shall accept his amendment.

Mr. President (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Section 4), be taken into consideration."

There is an amendment in the name of Sir Reginald Maxwell.

The Honourable Sir Reginald Maxwell (Home Member) Sir, I move

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1941."

As the Honourable the Mover has stated that he will accept the motion for circulation, if moved by Government, I need say little to explain this motion. The point is that although this subject of legislation falls within the concurrent field and, therefore, the Central Legislative Assembly has power to legislate about it, the executive authority in this matter rests with the provinces. Administration of justice is a provincial subject and it would, therefore, not be proper to proceed with legislation of this kind without giving the provinces an opportunity to comment. That has always been the attitude taken up by the Government of India in regard to proposals for legislation in the concurrent field, and the House has hitherto supported us in this line. I, therefore, move.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st July, 1941."

The question is that the amendment be made.

The motion was adopted.

THE LAND ACQUISITION (AMENDMENT) BILL

Mr. President (The Honourable Sir Abdur Rahim) With regard to the next motion which stands in the name of Mr Lalchand Navalrai, I understand that he has not supplied the names of the Members of the Select Committee which he proposed.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) Sir, I do not want to move it today.

Mr. President (The Honourable Sir Abdur Rahim) The next one is No. 7, also in the name of Mr Lalchand Navalrai.

Mr. Lalchand Navalrai: I do not think I will move that. I shall move the last item in my name. I move.

"That the Bill further to amend the Land Acquisition Act, 1894, be taken into consideration."

I shall explain to the House what I want by this amendment. Every one knows that the Government acquire property compulsorily under a certain enactment—that enactment is the Land Acquisition Act of 1894. Under this Act the procedure is laid down how land is to be acquired compulsorily. If the Government want certain portions of land, they have authority under this Act to make out their own scheme by asking for land which belongs to other people to be compulsorily acquired. For that purpose the procedure laid down is that a notice is issued by the Government fixing the time within which the land that is required by the Government will be acquired. Then the next procedure is that the matter comes before the Collector, and if there are no objections the Collector will pass his award. Then the next step which is taken to acquire that land is laid down in section 11. Under this section a day will be fixed and an inquiry will be made by the Collector, and if there are any objections, those will be heard, and then the award is made by him. If the person against whom the award is made is not satisfied with that award, then he shall on demand refer the matter to the court. That comes under section 18. This is what this section says:

"Any person interested who has not accepted the award may, by a written application to the Collector, require that the matter be referred to the Collector for determination by the Court"—the word 'court' is the point which is at issue in my amendment,—“whether his objections be to the measurement of the land, the amount of the compensation, the persons to whom it is payable of the apportionment of the compensation among the persons interested.”

Now, Sir, what happens is this. The matter comes before the Court. Now, what is meant by Court, how it is defined under this Act, and who can be dealt with it, are the points mentioned in my amendment. The word 'court' has been defined by section 312, which reads thus:

"The expression 'court' means a principal civil court of original jurisdiction, unless the Local Government has appointed as it is hereby empowered to do a special judicial officer."

It cannot appoint another court within any specified local limits to perform the functions of the court under this Act. I have said that the following words shall be inserted after the word "jurisdiction",—namely, "or the court of a first class subjudge in the Bombay Presidency or the court of a Subjudge exercising similar jurisdiction in other presidencies." Then there is a verbal change that for the word 'unless' the word 'or' shall be substituted. What I want is that instead of one principal court of civil jurisdiction, one other court should also be created in order that these cases may be speedily disposed of and that there should be no congestion of work connected with such cases. Therefore, it is that I have asked that the court of the first Class Subjudge should also be created for the purpose of trying these cases.

I have explained my reasons in the Statement of Objects and Reasons. I may point out that the provision restricting the powers to the principal court of civil jurisdiction existed at a time when there was not much work for District Judges. At that time the position was that there was only one court of the principal civil jurisdiction in a district, and the work was also not much and then first Class Judges were not in existence. These Judges came to function subsequently. Therefore, when this Act was enacted, only the principal civil court of original jurisdiction had to deal with such cases. Later on First Class Sub-judges have also been given as the District Court all the work of original jurisdiction. Therefore, there can be no objection to giving powers to First Class Subjudges to try cases

[Mr Latchand Navahai]

under the Land Acquisition Act. There was also a time when cases against the Secretary of State or cases in which he was interested were tried only by District Courts, but now the Acts have been amended, and power is given to Subjudges also. So when that power is given to Subjudges, why should they not be allowed to hear these Land acquisition cases as well. There are instances in which District Judges are transferred and sometimes on that ground delay in disposal of cases occurs and the cases remain undisposed of. Another point is, land acquisition cases are increasing in number. There are tracts where new canals have been dug, land is acquired for Government purposes, and all these cases should not be sent to one man or to one court only. Therefore, in order that these cases may be speedily disposed of, I submit the amendment that I have made should be accepted.

Now, in land acquisition cases the Government is only a *pro forma* party. It is more or less a question in which they are not interested as owners. They are made a party, because the reference has to go through the Collector. Therefore, I submit that so far as the facts are concerned there is a good case for making the amendment and accepting my Bill. I am conscious of one point, namely, that it might be urged whether this House has the power, whether it is the Government of India or it is the Provincial Government that can deal with this question. On that question my own opinion is that it is the Government of India that has jurisdiction with regard to the amendment that I am seeking to introduce, that is, creating a new court. For that we have to refer to the Government of India Act. In the Provincial List, no doubt we do find that there is a clause 9—"Compulsory acquisition of land". Before I go on to deal with that point, let me say that this Act, that is, the Land Acquisition Act, is an Act, of the Government of India. The Government of India passed it and they restricted it to a court which is the principal court of civil jurisdiction. 'Compulsory acquisition of land' would mean, actual acquiring of land compulsorily, but not with respect to a matter as contained in this Bill. The words are only "compulsory acquisition of land", not all with respect to the procedure and everything else that has to be done in respect of the land acquisition. It may be that certain powers in taking up of land may belong to the provincial Government and provincial Government may exercise them, but the powers to create courts which have to decide such cases have to be determined by the Government of India under the Land Acquisition Act, where they have provided that there will be only one court. Reference might be made to clause 2 of the List, where it is said "Jurisdiction and powers of all courts except the Federal Court, with respect to any of the matters in this list, procedure in Rent and Revenue Courts". Creation of court does not give any jurisdiction. Jurisdiction would mean pecuniary jurisdiction or territorial jurisdiction and those questions may be decided by the provincial Government. Then as regards the word 'powers' which refers to giving powers to existing courts, such as a power of transfer, or delegation, but not that a new court can be created under the expression 'powers'. Therefore, I submit that that does not come under the provincial head and there is no bar to this House passing this Bill. If there be any doubt, there have been instances where the Government of India have asked the provincial Governments under section 103 of the Government of India Act to allow that being done by the Government of India because that will apply not only

to one province, but all provinces. My amendment will have effect in all the provinces. Therefore, I submit that so far as this Bill is concerned, it is a Bill which can be taken up by this House and passed by it. I do not think I need take any more time of the House and I hope that this Bill will be taken into consideration.

Mr. President (The Honourable Sir Abdul Rahim) Motion moved

"That the Bill further to amend the Land Acquisition Act, 1894, be taken into consideration."

The Honourable Sir Muhammad Zafrullah Khan (Law Member) Sir, I oppose this motion. I am prepared to grant that the motive of the Honourable Member in moving this motion and in seeking that this Bill may be passed into law is unexceptionable. I am also prepared to assume that this amending measure, if it became law, would achieve the object that he has in view. But I am very much afraid that, even if this House were to pass this Bill and it were to be adopted by the other House, it would not become law. It would be just a dead letter as if it did not exist, and the House would be stultifying itself if it proceeded to consider this Bill and to pass it.

It is as clear as anything can be that this House has not the power to deal with this matter. Briefly, what the Honourable Member has in view is that, in addition to the principal civil court of original jurisdiction, certain other courts should also be invested with the power to hear land acquisition matters. Assuming that to be the object of the Bill, it clearly falls within the Second List in the Seventh Schedule to the Government of India Act, that is to say, it falls within the exclusively Provincial List. As the Honourable Member has himself pointed out, entry 9 in that List relates to the "compulsory acquisition of land", and the jurisdiction and power of all courts relating to matters set out in that List is dealt with in entry 2 of that List. "Jurisdiction and powers of all courts except the Federal Court, with respect to any of the matters in this list", that is to say, so far as this matter is concerned with respect to the compulsory acquisition of land, is a provincial subject. It is within the exclusively Provincial List and this House has no power to consider any such measure. The Honourable Member has argued that this is not a question of jurisdiction or power of courts. Then what else is it? The Honourable Member has, in the course of his speech, once or twice used the expression that he wants courts created for this purpose. On the other hand, the whole of his argument has been, here are these courts of subordinate judges first class, dealing with other civil matters having unlimited pecuniary jurisdiction, why cannot they deal with this matter? What he is seeking to do quite clearly is to invest certain classes of courts with jurisdiction under the Land Acquisition Act also. And that is a matter which is within the Provincial List and cannot be dealt with at the Centre. Assuming for the moment that he was not trying to invest certain courts with additional jurisdiction and power but that he was asking for the creation of new courts, even there he is in no better position, because entry 1 in the List says, "constitution and organisation of all courts, except the Federal Court, and fees taken therein." Well, then, either he is trying to invest existing courts with jurisdiction relating to the acquisition of land, in which case he is barred by entry 9, read with entry 2, or he is trying to create, as he says, a new set of courts, in which case he is barred by entry 1 of the Second List.

[Sir Muhammad Zafrullah Khan]

He has also made a reference to section 103 of the Government of India Act, but I fail to see how that helps him. Section 103 says

"If it appears to the Legislatures of two or more provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those provinces by Act of the Federal Legislature and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly, but any Act so passed may as respects any province to which it applies be amended or repealed by an Act of the Legislature of that Province."

Section 103 assumes, No. 1, that the matter to be dealt with is in the Provincial List, No. 2, that two or more provinces are desirous of having uniform legislation with regard to such matter and they want to achieve that object by requesting the Federal Legislature to pass the legislation and it then says that in such cases that object can be achieved if the various chambers of the provincial legislatures concerned will pass Resolutions to that effect. The Federal Legislature can then take up the matter and pass the legislation. Section 103 has nothing to do with this matter. If the Honourable Member is of the view that there ought to be uniformity in this respect throughout India or at least in two or more provinces, well then, he ought to approach the legislatures of those provinces, so that they could pass Resolutions and send up that request to the Central Legislature. This matter clearly falls within the exclusive Provincial List and cannot be dealt with here and I, therefore, submit, that, as I have said, this House would be engaged upon a purely useless operation if it proceeds with the consideration of this Bill.

Mr. M. S. Aney (Bera Non Muhammadan). I almost accept all the arguments which the Leader of the House has addressed on the point of the legality of this House to consider the present measure. There is one point which I want to urge for his consideration and also for your consideration, Sir. This was a measure that was introduced in this House. I want to know what is the proper time for the Government or for anybody to raise the question of the jurisdiction of this House to consider a particular measure?

The Honourable Sir Muhammad Zafrullah Khan: I am not taking objection. I am urging these grounds which I have explained before the House to induce the House to throw out this Bill.

Mr. M. S. Aney: Well, the two things put in different ways mean the same thing, and it makes no difference whether it is raised as a

Mr. President (The Honourable Sir Abdur Rahim). If it is a point of order, then it would be for the Chair to decide.

Mr. M. S. Aney: I am putting it as a point of order for you to consider. I see the validity of the legal objection raised by the Leader of the House and if my learned friend had consulted me, I would probably have given him the same advice before he moved this measure but I want to know from you, Sir, when a measure is introduced in this House and a motion for its consideration is before the House, is it the proper time to ask this House to take the legal aspect of the motion, into consideration, namely, whether the House would not be stultifying itself in considering a measure which is beyond its jurisdiction. This cannot be decided by this House.

unless you, Sir, come to the conclusion and definitely say that so far as the legal aspect of the thing is concerned, it is beyond the jurisdiction of this House. You have to decide the point. Even if he puts that as an argument for the House to reject it, your responsibility to come to a decision on the legal points raised by him is not obviated. I, therefore, ask whether this is the proper time for him to raise this difficulty. That is the question for you to consider. That is what I want to urge.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member did not put this forward as a point of order for the Chair to decide.

Mr. M. S. Aney: In whatever form he puts it, it is a point of order for the Chair to decide, and I want to know whether this is the proper time to raise this point of order.

Mr. President (The Honourable Sir Abdur Rahim) The question raised by Mr. Aney is whether this is the proper time for urging the argument that has been advanced by the Leader of the House that the Bill would not achieve the object desired by the Mover even if it is passed, because the measure is not within the competence of this House and, therefore, it would be held by proper courts to be *ultra vires* of this Legislature. I think that is the gist of the argument advanced by the Leader of the House. Now, Mr. Aney asks me to say whether it is not too late for the Honourable the Leader of the House to use such argument. I suppose he means that it ought to have been urged at an earlier stage, that is, at the time of the introduction of the Bill. I am not aware of any rule or procedure or any practice which requires that the argument that a legislative measure is beyond the competence of this Legislature ought to be urged at any particular stage. The motion was quite in order as it appears in the List and it is for any Member of the House to advance any relevant argument why this motion for consideration should not be adopted by the House and that is exactly what the Leader of the House has done on this occasion. I see no reason whatever why there should be any difficulty in the way of any member trying to induce the House by such argument to reject a motion by which the House is asked to take the Bill into consideration.

Mr. Lalchand Navalrai: I will raise another point of order. I will submit that the question whether this House has got jurisdiction has got to be decided by the Chair.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member is moving the motion. Surely he must have satisfied himself that there is no objection to it.

Mr. Lalchand Navalrai: I have put forward my own point of view and there is a difference of opinion.

Mr. President (The Honourable Sir Abdur Rahim) No objection has been taken to the motion on a point of order. Only certain arguments have been advanced.

The question is

"That the Bill further to amend the Land Acquisition Act, 1894, be taken into consideration."

The motion was negatived.

THE MUSLIM KAZIS BILL

Qazi Muhammad Ahmad Kazmi (Meerut Division Muhammadan Rural) Sir, I beg to move for leave to introduce a Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages and for the appointment of Tribunals for trying and deciding cases of divorce and dissolution of marriage amongst Muslims

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill to provide for the appointment of persons to the office of Kazi and for performing and keeping a record of marriages and for the appointment of Tribunals for trying and deciding cases of divorce and dissolution of marriage amongst Muslims"

The motion was adopted

Qazi Muhammad Ahmad Kazmi. Sir, I introduce the Bill

THE DELHI MUSLIM WAKFS BILL

Maulvi Muhammad Abdul Ghani (Tirhut Division Muhammadan) Sir, I beg to move for leave to introduce a Bill to provide for the better administration of Muslim Wakfs in the Province of Delhi

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill to provide for the better administration of Muslim Wakfs in the Province of Delhi"

The motion was adopted

Maulvi Muhammad Abdul Ghani: Sir, I introduce the Bill

THE HINDU MARRIAGE DISABILITIES REMOVAL BILL

Mr. Govind V. Deshmukh (Nagpur Division Non-Muhammadan) Sir, I beg to move for leave to introduce a Bill to remove legal disabilities under Hindu Law in respect of marriage between Hindus

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill to remove legal disabilities under Hindu Law in respect of marriage between Hindus"

The motion was adopted

Mr. Govind V. Deshmukh: Sir, I introduce the Bill

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

Qazi Muhammad Ahmad Kazmi (Meerut Division Muhammadan Rural) Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908, for certain purposes

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908, for certain purposes"

The motion was adopted

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

Qazi Muhammad Ahmad Kazmi (Muzint Division Muhammadan Rural) Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose

Mr. President (The Honourable Sir Abdul Rahim) The question is

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose."

The motion was adopted

Qazi Muhammad Ahmad Kazmi Sir, I introduce the Bill

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th February, 1941

LEGISLATIVE ASSEMBLY

Friday, 14th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

RAILWAY ADVISORY COMMITTEES

64. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Railway Member please state whether it is not a fact that Railway Advisory Committees were created under the Convention of 1924?

(b) What are the functions of these Advisory Committees?

(c) How far are their decisions binding on the Railway administration?

(d) Do the Railway administrations give their reasons for not accepting the recommendations of the Advisory Committees?

The Honourable Sir Andrew Clow: (a) No

(b) The function of these Committees is to give advice to the Railway Administrations on any matters affecting the general public interest or convenience, for example, alterations in time tables and passenger services

(c) The decisions of these Committees are recommendations which are not binding on the Railway Administrations

(d) Yes

Dr. Sir Ziauddin Ahmad: As regards part (a) of the question, may I know whether the creation of the Advisory Committees is not mentioned in the Convention of 1924?

The Honourable Sir Andrew Clow: It is mentioned

Dr. Sir Ziauddin Ahmad: When these Advisory Committees are mentioned in the Convention, then it means that they were established under that Convention?

The Honourable Sir Andrew Clow: It surely does not mean anything of the kind. I can mention the Legislative Assembly in drawing up some Conventions, but it does not mean that the Legislative Assembly was constituted by that Convention

Mr. Muhammad Nauman: If it is not binding, then the members are permitted to send Resolutions to the Advisory Committees. Can the General Manager or the Agent refuse to accept the Resolutions in that case also?

The Honourable Sir Andrew Clow: I have not attended any meetings of these Advisory Committees, but I do not think that they have passed Resolutions. It is for the General Manager to determine the subjects that can suitably be discussed.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the separation of the railway budget from the general budget was made on certain conditions which were provided in the Convention of 1924, and one of the conditions provided in that Convention was the establishment of the Railway Finance Committee and the Advisory Committees?

The Honourable Sir Andrew Clow: I do not think the Railway Standing Finance Committee is mentioned in this question.

Dr. Sir Ziauddin Ahmad: Has the Honourable Member got a copy of the Convention?

The Honourable Sir Andrew Clow: The Railway Finance Committee is not mentioned in this question.

Dr. Sir Ziauddin Ahmad: The question on the paper is about the Advisory Committees?

The Honourable Sir Andrew Clow: The Honourable Member asked me whether the Advisory Committees were created under the Convention, and I have replied in the negative. A copy of the Convention will be found as an Appendix to the Railway Report which is in the Library of the House.

HIGHER INITIAL SALARY FOR ANGO INDIANS ON RAILWAYS

65. ***Dr. Sir Ziauddin Ahmad.** (a) Will the Honourable Member for Railways please state whether it is a fact that the Railway Board has made a rule in accordance with which all Anglo-Indians are recruited on an initial salary of Rs 55 per mensem, while Indians are employed on the same job on Rs 25 or 30? If so, what are the reasons for such a discrimination, and are Government prepared to remove the racial discrimination altogether?

(b) In case a higher start is given to Anglo-Indians on account of their high standard of living, are Government prepared to give a higher start to the Mussalmans in proportion to their high standard of living?

The Honourable Sir Andrew Clow: (a) and (b) The Honourable Member apparently has in view the orders contained in the Government of India's Home Department Resolution of 1st May, 1939, which was published in the *Gazette of India* of 6th May, 1939. Questions regarding this Resolution should be addressed to the Honourable the Home Member.

Dr. Sir Ziauddin Ahmad: May I ask whether this particular special increment to the Anglo-Indians is confined only to the railway services or does it extend to all the services under the Central Government?

The Honourable Sir Andrew Clow: It covers certain services.

Sardar Sant Singh: Was the Railway Department consulted when this increase in the pay was given?

The Honourable Sir Andrew Clow: Yes, Sir

Sardar Sant Singh: May I know if they took any objection to this financial burden being placed upon the railways?

The Honourable Sir Andrew Clow: In all cases the advice given by the Departments to the Government of India is confidential

Dr. Sir Ziauddin Ahmad: May I ask whether the Railway Board consulted the Railwaymen's Federation on this matter, as, I believe, they consult them on all important matters?

The Honourable Sir Andrew Clow: No, Sir

Lieut.-Colonel M. A. Rahman: Is there any standard laid down as regards the living of the Anglo-Indians by the Railway Department?

The Honourable Sir Andrew Clow: It is not for the Railway Department to lay down the standards of living for particular classes of their employees

Sardar Sant Singh: May I ask how much financial burden has been placed upon the railways by this Resolution of the Government of India?

The Honourable Sir Andrew Clow: I would require notice of that question

Mr. M. S. Aney: Was it not possible for the Government to place this subject for the consideration of the Railway Standing Finance Committee before saddling the railways with this additional expenditure?

The Honourable Sir Andrew Clow: The decision was not taken by the Railway Board. It was a general decision of the Government

Mr. M. S. Aney: If any expenditure is ultimately to be shifted on to the Railway Board and to the railways, is it not proper and equitable that the Standing Finance Committee, which has been appointed for the sake of advising the Railway Board, should be consulted before the actual burden is shifted on?

The Honourable Sir Andrew Clow: When proposals affect more than one Department, then it is obviously a matter within the discretion largely of the Finance Member

Mr. M. S. Aney: Does the Honourable Member mean to say that in certain matters the Standing Finance Committee for Railways and the Railway Board have no choice at all even if financial commitments are involved?

The Honourable Sir Andrew Clow: The Railway Board are naturally consulted, but I can conceive of cases affecting certain other Departments

besides the Railway Department, and the Honourable the Finance Member may feel that this was a general rather than a railway matter

Mr. M. S. Aney: Would it not be proper that before any commitment is made like the one under discussion, the Railway Board and the Standing Finance Committee for Railways should be consulted before the Government of India come to any decision on matters of that kind?

The Honourable Sir Andrew Clow: The Railway Board is consulted

Mr. M. S. Aney: Why not the Standing Finance Committee?

The Honourable Sir Andrew Clow: There are now, I believe, two Standing Finance Committees. It depends on the Honourable the Finance Member to decide which is the appropriate Committee before which to take a proposal for a substantial increase

Mr. N. M. Joshi: In view of the fact that the Indian Railways are administered on commercial and business lines, may I ask whether the difference between the ordinary pay for a job which is occupied by an Anglo-Indian and the difference of increased pay which is given on the ground of his race is paid by the Railway Department or by any other Department of the Government of India?

The Honourable Sir Andrew Clow: It is borne by the Railway Department

Mr. N. M. Joshi: May I ask whether, according to the rule of the commercial management or business management, larger salary is given to certain classes of people on the ground of their race?

The Honourable Sir Andrew Clow: The Board is obliged to manage the railways according to the provisions of the Government of India Act, and it was in pursuance of that Act that this action was taken

Sardar Sant Singh: May I ask if there is a similar discrimination in the case of the Europeans being employed in the same posts?

The Honourable Sir Andrew Clow: There is a provision for overseas pay in most Departments

Maulana Zafar Ali Khan: May I know whether, in the opinion of the Honourable Member, the standard of living of the Mussalmans is not as high as that of the Anglo-Indians of the same type?

The Honourable Sir Andrew Clow: I am afraid I am not prepared to give advice to the House on the standards of living

Mr. Lalchand Navalrai: Is there anything in the Government of India Act to allow of that differentiation being made?

The Honourable Sir Andrew Clow: The actual difference was made, as I said, in pursuance of the express provision of the Government of India Act.

Mr. Lalchand Navalrai: Does the Honourable Member know that provision?

The Honourable Sir Andrew Clow: I believe the provision is mentioned in the Resolution to which I have referred. It is section 242 of the Government of India Act.

GOVERNMENT POLICY ABOUT WATCH AND WARD DEPARTMENT

66. *Dr Sir Ziauddin Ahmad: (a) Will the Honourable the Railway Member please state the present policy of Government about Watch and Ward Department?

(b) Is it administered by the Chief Commercial Manager, or Chief Operating Superintendent, or any special officer?

(c) Is it not a fact that in most cases of theft the railway servants are implicated?

(d) Have Government compiled any statistics about the reduction of the claims and the savings to the Railways on account of the establishment of this Department?

(e) What is the manner of recruitment to this Department?

The Honourable Sir Andrew Clow: (a) I am not sure what information the Honourable Member desires. If he wishes to know the object of maintaining watch and ward organisation, the answer is that the object is to protect property belonging to or entrusted to the railways.

(b) On the East Indian, Great Indian Peninsula and Eastern Bengal Railways, the officer who administers the department is a Police Officer obtained on loan from Provincial Governments and he works under the direction of the General Manager, Chief Traffic Manager and Traffic Manager respectively. On the North Western Railway the Watch and Ward staff work under the direct control of Departmental officers.

(c) No.

(d) No statistics of the nature alluded to by the Honourable Member are available.

(e) The method of recruitment on the four State-managed Railways is as follows:

North Western Railway—Chowkidars are recruited from ex-military men. Head Watchmen are promoted from chowkidars. Posts of Inspectors and Assistant Inspectors are filled partly by promotion and partly by recruitment of ex-military officers.

Great Indian Peninsula Railway—Watchmen are mainly recruited from ex-military men or policemen. Posts of Chief Head Watchmen and above are filled by direct recruitment.

Eastern Bengal Railway—Inferior posts are filled by direct recruitment. Posts of Inspectors, Sub-Inspectors and Assistant Sub-Inspectors are filled by promotion.

East Indian Railway—Watchmen are appointed by recruitment of ex-military men or men of similar type. Posts of Head Watchmen are filled by promotion. Lower and upper sub-ordinates are appointed partly by promotion and partly by direct recruitment.

Mr. Muhammad Nauman: With reference to part (c), may I know if Government have any record or information that any of the employees were ever implicated in theft cases in the watch and ward department?

The Honourable Sir Andrew Olow: The question put to me was 'in most cases

Mr. Muhammad Nauman: I want to know if there is any case in the knowledge of the Government of India?

The Honourable Sir Andrew Olow: I do not recollect any particular case at the moment, but I am quite willing to believe undoubtedly there have been some cases

Maulvi Abdur Rasheed Chaudhury: What percentage of cases?

The Honourable Sir Andrew Olow: Quite impossible to say

Dr. Sir Ziauddin Ahmad: With reference to part (e), may I know whether the Senior Inspectors are eligible to be promoted to the rank of lower gazetted officers?

The Honourable Sir Andrew Olow: I want notice

Dr. Sir Ziauddin Ahmad: With reference to part (b), may I know if there are not three different methods adopted in different railways? Has the Honourable Member got any experience or has he made any investigation which of these three different methods is the best?

The Honourable Sir Andrew Olow: I presume that what is adopted in a particular area is suited to that area. I am not a believer in strict uniformity in these matters

Mr. M. S. Aney: Has any representation been made by the police officer in charge of Dhamangaon railway station on the Great Indian Peninsula Railway, to the effect that for want of adequate number of chaukidars the number of thefts from the goods shed at that station is increasing during the last few years?

The Honourable Sir Andrew Olow: I have seen no such representation

Mr. M. S. Aney: Will the Honourable Member kindly enquire from the railway administration about this matter?

The Honourable Sir Andrew Olow: If the Honourable Member is aware of the fact, I am quite willing to take it from him

Mr. Muhammad Nauman: With reference to part (e), if the method of recruitment is not uniform on all railways, will the Government of India consider the advisability of introducing a uniform method in all the railways?

The Honourable Sir Andrew Olow: I have just replied to that question in the negative

Mr. Lalchand Navaraj: May I know if this system of Watch and Ward works out more economically than the former system of getting the work done with the help of the police?

The Honourable Sir Andrew Clow: I could not say

POSTING OF ANGLO-INDIANS AS ASSISTANT INSPECTORS IN RAILWAY WORKSHOPS

67. *Dr Sir Ziauddin Ahmad: Will the Honourable the Railway Member please state if it is the policy of Government to post only Anglo-Indians as Assistant Inspectors in the Workshops? If so, why?

The Honourable Sir Andrew Clow: No, the latter part does not arise.

Mr. Muhammad Nauman: May I know whether it is a fact that at the moment all the Inspectors happen to be Anglo Indians?

The Honourable Sir Andrew Clow: The question relates to Assistant Inspectors. I have no particulars about Inspectors.

Dr. Sir Ziauddin Ahmad: May I tell the Government that it is a fact. It is not the policy, but it is the practice of the Government to have Anglo-Indians as Inspectors. There is a difference between policy and practice.

(No answer)

PURCHASE OF THE BOMBAY, BARODA AND CENTRAL INDIA AND THE ASSAM BENGAL RAILWAYS

68. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable Member for Railways lay on the table of the House all communications between the Government of India and the Secretary of State about the purchase of the Bombay, Baroda and Central India and the Assam Bengal Railways?

(b) On which date did the Government of India discuss the question of purchase of these Railways in the Executive Council?

(c) What was the decision of the Executive Council?

(d) Why was the question of purchase not discussed in the November Session of the Legislative Assembly?

(e) Why was it laid before the Central Railway Advisory Council after the end of the Session of the Assembly?

(f) On what ground was the decision taken to purchase these Railways during the war?

(g) Is it not a fact that the decision was arrived at before the consultation in the Central Railway Advisory Council?

(h) Did the Government of India consider the proposal of having the Home Board of these Railways transferred to this country?

The Honourable Sir Andrew Clow: (a) As the correspondence in question is confidential, I am unable to comply with the Honourable Member's request.

(b), (c) and (g) As the agenda and discussions of Council meetings are secret, I am unable to give the Honourable Member any information except that a decision was taken, after the conclusions of the

Central Advisory Council were available, to give notice of termination of the contracts

(d) and (e) Government considered that the question of purchase could be most satisfactorily examined by the Central Advisory Council, which reflects non-official opinion in both Houses

(f) The main facts and considerations relevant to the purchase were set out in the memoranda presented to the Central Advisory Council, of which copies have been furnished to all Honourable Members

(h) No

Maulvi Abdur Rasheed Chaudhury: May I know whether the decision to purchase the Assam Bengal Railway is final?

The Honourable Sir Andrew Clow: Yes, Sir

Maulvi Abdur Rasheed Chaudhury: From which date will the purchase take effect?

The Honourable Sir Andrew Clow: It becomes effective from 31st December, 1941

Dr. Sir Ziauddin Ahmad: Is it not a fact that in this case, as in most cases, Government make up their mind and afterwards they come before the Advisory Committee in order to get support for the decision which they have arrived at otherwise?

The Honourable Sir Andrew Clow: Government naturally form provisional conclusions in the first instance. They do not put the case before they have examined the thing, but before coming to a final decision, Government would obviously have to take into consideration the views expressed by the Central Advisory Council

Maulvi Abdur Rasheed Chaudhury: May I know why Government have not considered the question of transferring the Home Board to this country?

The Honourable Sir Andrew Clow: Because there would be no particular advantage even if the Home Board and the shareholders were agreeable to that course

Pandit Lakshmi Kanta Maitra: May I know when Government intend to purchase the Bombay, Baroda and Central India Railway?

The Honourable Sir Andrew Clow: The same date as the Assam Bengal Railway that is 31st December, 1941

Mr. Akhil Chandra Datta: May I know whether, as a result of the purchase of railways, particularly the Assam Bengal Railway, any particular set of employees will be thrown out of employment and their services terminated?

The Honourable Sir Andrew Clow: That will have to be considered

COLLISION OF TRAINS BETWEEN HARIGAUN AND FAIZABAD STATIONS NEAR TUNDLA

69. *Mr. Amarendra Nath Chatteropadhyaya: (a) Will the Honourable Member for Communications be pleased to state if an enquiry has been made into the circumstances under which No 144-Down Passenger train collided with 418-Down Goods train between Harigaun and Faizabad Station only about seven miles from Tundla as reported in the *Amrita Bazar Patrika* of the 22nd January, 1941, page 5?

(b) What led to this collision?

(c) Is it a fact that seven persons only were injured? Was there no death?

The Honourable Sir Andrew Clow: (a) Yes

(b) The admission of two trains to one section

(c) Yes There was no death

Pandit Lakshmi Kanta Maitra: Is the Honourable Member in a position to say why there was this collision?

The Honourable Sir Andrew Clow: I have said that it was due to the admission of two trains to one section

Maulvi Abdur Rasheed Chaudhury: Why were two trains admitted into the same section?

The Honourable Sir Andrew Clow: It was due to error on the part of somebody That is under investigation

STEPS TO IMPROVE THE CONDITION OF GRADE 1 CLERKS ON THE NORTH WESTERN RAILWAY

70. *Mr. Lalchand Navarat: (a) Will the Honourable the Railway Member be pleased to state what arrangement has been made to improve the condition of grade 1 clerks employed on the North Western Railway?

(b) Since when is the question of amalgamation of grades 1 and 2 and providing a flow up pending?

(c) Is the Honourable Member aware that dissatisfaction and discontent among those clerks is increasing?

(d) What steps do Government propose to take to ameliorate their hard condition?

The Honourable Sir Andrew Clow: (a) No arrangement has been made.

(b) The question of amalgamation is not pending As I stated last year during the discussions on the budget, "there can be no question of amalgamation"

(c) No, but I am aware that a number of men who have been on the maximum for some time feel that they have ground for discontent

(d) Government cannot accept the view that the absence of a number of higher posts sufficient to secure rapid egress from the top of a grade is in itself a legitimate cause for complaint But the Railway Board

are examining, in consultation with the General Manager, the question of whether the existing distribution between the two grades is in accordance with present requirements

Mr. Lalchand Navalrai: Is there any prospect of coming to an early decision on this subject, or will it remain pending as it has done for several years past?

The Honourable Sir Andrew Clow: I should like to see an early decision. It of course involves investigation of the actual conditions in different divisions, but I know that the General Manager is anxious to reach a decision as early as possible.

Mr. Lalchand Navalrai: Will the Honourable Member expedite the decision?

The Honourable Sir Andrew Clow: So far as it rests with me, I shall see that there is as little delay as possible.

Sardar Sant Singh: May I know whether on the Great Indian Peninsula Railway the commercial staff and this cadre has been amalgamated for the benefit of both?

The Honourable Sir Andrew Clow: I submit that hardly arises.

LIMITED HIGHER CLASS ACCOMMODATION ON 19 UP DELHI EXPRESS.

71. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware that because of very limited accommodation, first and second class passengers do not get sleeping accommodation on 19 Up Delhi Express at Howrah and that in some cases, a few passengers were left out at Howrah on the East Indian Railway on a few occasions?

(b) Is the Honourable Member aware that one first and one second class compartment is reserved for ladies and, in spite of accommodation being available in ladies' compartment, lady passengers are allowed to travel in gents' compartment and that this causes discomfort to all others?

(c) Is the Honourable Member aware that on some days there is no servants compartment on 19 Up train and there was none on the trains which reached Patna Junction on 10th November, 1940 and 11th November, 1940?

(d) Is the Honourable Member aware that normally second class compartments on this train are of rickety type?

(e) Is he aware that there is an unusual jerk felt on the 19 Up train when it starts or stops at a station, and that it was worst on the train which left Howrah on the 26th January, 1941?

(f) Is he aware that on this train the lights are very unsatisfactory with light of about 10 candle power?

The Honourable Sir Andrew Clow: (a) No, but I would add that accommodation can be reserved on this train.

(b) I understand the statement in the first part is correct. As regards the latter part no compartments are set aside for gentlemen unless they have actually reserved a compartment.

(c) No, but if the Honourable Member observed this, I would not question his statement

(d) and (f) No

(e) No, I have no record of any special jerk on the day in question

Mr. Muhammad Nauman: May I know if the Honourable Member made any enquiry from the railway administration to that effect?

The Honourable Sir Andrew Clow: No special enquiry regarding special jerks

Mr. Muhammad Nauman: With reference to part (b), may I know whether when the Ladies compartments which are reserved for ladies go vacant, why they should be permitted to travel in gentlemen's compartment and thus cause trouble to others?

The Honourable Sir Andrew Clow: I have explained that there are no gentlemen's compartments

Mr. Muhammad Nauman: If you set apart a certain compartment for ladies, it naturally means that the other compartments are reserved for gents

The Honourable Sir Andrew Clow: Not in the least. If a compartment is reserved for non-smokers, it does not mean that they cannot go into a smoking compartment

Dr. Sir Ziauddin Ahmad: Shall I give my own experience? In spite of a ladies' compartment going vacant, certain ladies insisted on travelling in my own compartment, and, in spite of my request to take away the label from the ladies' compartment so that I might go there, it was not done

The Honourable Sir Andrew Clow: The Learned Doctor should not be so fascinating

OVERCROWDING IN SECOND CLASS COMPARTMENTS ON CERTAIN TRAINS ON THE EAST INDIAN RAILWAY

72. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware that there is overcrowding in second class compartments on 1 Up, 2 Down, 5 Up and 6 Down trains on the East Indian Railway and sometimes sleeping accommodation is not available?

(b) What is the number of second class compartments on 1 Up, 2 Down, 5 Up and 6 Down trains of the East Indian Railway and how many of them are reserved for ladies only?

(c) Is it not a fact that the number of second class passengers increased on these trains during 1939 and 1940, as compared to previous eight years' averages?

(d) Is the Honourable Member aware that pass-holders also travel on these trains and that the families of Railway servants take advantage of their being known to the railway staff?

(e) Is the Honourable Member aware that the lighting arrangements in second class compartments on these trains are not satisfactory?

The Honourable Sir Andrew Clow: (a) I am prepared to accept the fact that accommodation is on occasions inadequate but this is unavoidable if there is a rush of passengers

(b) There are several types of composite first and second class bogies on the East Indian Railway but I understand that on 1 Up and 2 Down Mails there are normally three four-berth second class compartments each in the Delhi and Kalka carriages. Of these one four-berth second class compartment only is reserved for ladies. I regret I cannot give similar information regarding 5 Up and 6 Down

(c) I do not know

(d) I understand that during holiday periods, when public demand for accommodation is heavy, the issue of passes to railway servants is restricted to the absolute minimum and that even those holding passes are precluded from travelling by 1 Up and 2 Down Mails. The answer to the second part of the question is in the negative

(e) I am not aware of this but will bring this part of the question to the notice of the General Manager, East Indian Railway

Mr. Muhammad Nauman: With reference to part (b) regarding 5 Up and 6 Down, will the Honourable Member inquire as to how many First and Second class bogies are run on these two trains?

The Honourable Sir Andrew Clow: I doubt if it is a matter of great public interest

Mr. Muhammad Nauman: It is a matter of public interest because I myself was detained at Patna Junction in spite of my having a First Class ticket on the 23rd December of this year for want of accommodation in 8 Down

The Honourable Sir Andrew Clow: I am afraid during Christmas the trains are extremely crowded, and the mere fact that accommodation was cramped then would not show that the train is normally inadequate for the number of passengers appearing

Mr. Muhammad Nauman: Cannot special arrangements be made at that time when it is known that more passengers will travel on these special occasions?

The Honourable Sir Andrew Clow: We do make special arrangements, but people come in at intermediate stations and there is a limit to the number of trains and rolling stock that can be put on

OVERCROWDING AND TICKETLESS PASSENGERS IN SERVANTS COMPARTMENTS ON THE EAST INDIAN RAILWAY.

73. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware that servants compartments are very rarely checked and that "ticketless" passengers often take shelter in servants' compartments on practically all trains on the East Indian Railway between Howrah and Delhi and *vice versa*?

(b) Is the Honourable Member aware that police constables, chaprasis and menial staff of Railways also create overcrowding in first and second class servants' compartments?

(c) Is the Honourable Member aware that, actually one servant of a second class passenger on 19 Up (East Indian Railway) was left over at Allahabad on the 24th January, 1941 as overcrowding in servants' compartment made it impossible for the servant to get in?

The Honourable Sir Andrew Clow: (a) I have no reason to suppose that the check exercised on servants compartments on the East Indian Railway trains running between Howrah and Delhi is any less frequent than on other third class compartments

(b) and (c) I am not aware of this but will arrange for these parts of the question to be brought to the notice of the General Manager, East Indian Railway

INCONVENIENCE IN BERTH RESERVATION AT CALCUTTA AND PATNA.

74. *Mr. Muhammad Nauman: (a) Is the Honourable Member for Railways aware that a lot of inconvenience is felt in reservation of berths in first and second class compartments at Calcutta on the East Indian Railway, because telephone calls are not properly attended to and ticket numbers are not noted, in spite of numbers being intimated on telephone and that wrong spellings of names are made?

(b) Is the Honourable Member aware that at Patna Junction in the case of the compartments which are attached to the Up and Down trains on the East Indian Railway equal difficulty is felt in obtaining berth reservation in first and second class compartments?

The Honourable Sir Andrew Clow: The answer to both parts is in the negative, but I shall send a copy of the Honourable Member's question to the General Manager, East Indian Railway, for such action as may be necessary

Mr. Lalchand Navai: Is the Honourable Member aware that these reservations are not made unless and until one purchases a ticket? As this causes inconvenience why should not reservation be made when reservation fees are paid?

The Honourable Sir Andrew Clow: For the reason that everybody is not honest and by paying a small reservation fee for three imaginary friends a man could reserve the whole compartment for himself

Sardar Sant Singh: Is the Honourable Member aware that sometimes bogus reservations are made, and while the reservation tickets are in the compartments, the persons are not there, with the result that tips and bribes go on?

The Honourable Sir Andrew Clow: That is what we are trying to prevent by insisting on the production of a ticket

Mr. Muhammad Nauman: With reference to this question, I may point out that I have seen reservations in Calcutta of which 50 per cent.

do not turn up, and, in spite of ticket numbers being tendered by other people, they were not accepted although no tickets were tendered by the other people

The Honourable Sir Andrew Clow: I have no information of that

ENGINE ACCIDENT NEAR BHUSAWAL, GREAT INDIAN PENINSULA RAILWAY.

75. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that some engine broke down at the front and rear wheels near about Bhusawal on the Great Indian Peninsula Railway either on the 30th or 31st January, 1941 and the passengers were detained for over two and a half hours, and that the occurrence took place at about 15 miles from Bhusawal?

(b) Is it a fact that this was due to the rickety condition of the engine and rotten condition of the rolling stock?

(c) If the reply to part (b) be in the affirmative, will the Honourable Member be pleased to state who is responsible for sending out such engines and what action is proposed against him, and if the reply to part (b) be in the negative, what circumstances were responsible for such accident?

The Honourable Sir Andrew Clow: (a) Yes, the engine of 27 Down Express failed at mile 292/15 between Nimbhora and Raver and about 16 miles from Bhusawal on 30th January. The train suffered a detention of 2 hours and 22 minutes

(b) No

(c) The first part of the question does not arise. The engine failed due to the fracture of the right driving side rod

Mr. Muhammad Nauman: If the answer to part (b) is in the negative, what is the reason? Was it a worn out engine and no one was responsible for seeing it before it was sent out?

The Honourable Sir Andrew Clow: No, Sir, I have no reason to suppose that it was a worn out engine. It had only travelled 27,000 miles since it was last overhauled, whereas normally it runs 120,000 miles between overhauls

UNSTARRED QUESTION AND ANSWER

OVERCROWDING IN THE THIRD CLASS ON 19-UP AND 20-DOWN DELHI EXPRESS TRAINS

7. Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that there has been very acute overcrowding in third class on 19-Up and 20-Down Delhi Express trains since the last three months on all occasions and particularly between Howrah and Patna Junction and Cawnpore and Delhi?

(b) What records are available for checking this by the administration of the East Indian Railway?

The Honourable Sir Andrew Clow: I have called for information and will lay a reply on the table of the House in due course

MESSAGE FROM H E THE GOVERNOR GENERAL

Mr. President (The Honourable Sir Abdur Rahim) I have received a Message from His Excellency the Governor General

"In pursuance of the provisions of sub section (3) of section 67 A, as set out in the Ninth Schedule to the Government of India Act, 1935, I hereby direct that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof shall be open to discussion by the Legislative Assembly when the budget for the year 1941-42 is under consideration

(Sd) LINLITHGOW,
Governor General"

NEW DELHI,
The 31st January, 1941

REPORT ON THE PROGRESS OF THE SCHEMES FINANCED FROM THE GRANTS FOR RURAL DEVELOPMENT

The Honourable Sir Jeremy Raisman (Finance Member) Sir, I lay ou the table a copy of the Report on the progress of the schemes financed from the grants for rural development

A statement of the progress up to the end of November, 1938, of the schemes financed from the Government of India's grants for rural development in the provinces and the local administrations was presented to the Legislative Assembly and the Council of State on the 30th August, 1939, and 12th September, 1939, respectively. The statement below furnishes particulars of the progress since made upto the end of November, 1939. Allotments from the second grant have, during the period covered by this report, been made to Madras, Bengal, Central Provinces and Berar, North West Frontier Province, Orissa, Sind and Ajmer-Merwara. The balance to be allotted at the end of the period was Rs 74,68,510 which will be made available to the provinces and the local administrations as and when required.

MADRAS

	Allotments from the Government of India's grant	Expenditure upto November, 1939
	Rs	Rs
Village communications	4,47,540	4,29,228
Rural water supply	5,26,810	3,58,390
Rural sanitation including a Health Unit	3,00,000	1,79,118
Discretionary grants by Collectors	48,650	48,376
Anti-malarial operations	50,000	49,946
Establishment		2,035
Total	13,73,000	10,67,093

2 A total sum of Rs. 3,03,767 was resumed from the above allotments as indicated below for redistribution on a contributory basis.

	Rs
Village communications	15,440
Rural water supply	1,67,232
Rural sanitation	1,20,821
Discretionary grants by Collectors	274
Total	3,03,767

The net allotment thus stood at Rs 10,69,283 and the expenditure at Rs 10,67,093

3 The progress made in the execution of the several schemes during the period under report is as follows.—

(i) *Village communications*—A sum of Rs 1,670 was spent during the year under this head. There is only one work to be completed and it is in progress. In all about 90 miles of earth work formation, 43 miles of metalling, 185 miles of road construction and improvements to about 75 miles of existing tracks and roads have been completed, besides construction of numerous culverts and bridges.

(ii) *Rural water supply*—A sum of Rs 5,875 was spent during the year under this head. Out of 650 well works and seven protected water supply schemes for which the grant was sanctioned, all the protected water supply schemes and 645 well works have been completed. The remaining works are still in progress.

(iii) *Rural sanitation and anti-malarial operations*—No expenditure was incurred under these heads.

(iv) *Discretionary grants by Collectors*—A sum of Rs 6 was reallocated from the resumed amount to meet an item of expenditure previously incurred.

(v) *Poonamallee Health Unit*—The Poonamallee Health Unit scheme has completed four years and two months out of the sanctioned period of five years. The staff of the Health Unit consists of one First Class Health Officer, one Woman Medical Officer, four Health Inspectors, four Health Visitors, nine Midwives, one Clerk, one Attender, eleven Peons and nine Ayahs. The work done by this staff during the period of twelve months ending 30th November, 1939, is detailed below. The corresponding figures relating to the preceding twelve months are given within brackets.

(1) *Vital statistics*—There were 1,850 (1,937) births and 1,203 (1,147) deaths in the Health Unit area. While the birth rate fell by 2.8, the death rate rose by 0.57 per mille. There were seventeen deaths from maternal causes, fourteen from small-pox and 348 infant deaths, the maternal death rate being 8.8 (4.5) and infant mortality 188.11 (155.39). The high maternal and infant mortality is attributed to cases not related to the Health Unit area and to adverse seasonal conditions, respectively. The cause of every death continued to be investigated and placed on record.

(2) *Epidemic diseases*—For the first time after its inception the area of the Health Unit was completely free from cholera infection during the period under report. Small-pox, however, occurred throughout the year in some part or other of the area and 64 (50) attacks with 14 (10) deaths were recorded. One hundred and fifty-two cases of chicken-pox and stray cases of enteric were also noticed.

(8) *Preventive measures*—In the absence of cholera infection, only 121 individuals were inoculated in suspected cases. A regular vaccination campaign was started from the beginning of the period under report and maintained right through, the total number of individuals vaccinated having been 14,528, the highest number attained during any year since the inauguration of the Health Unit. The vaccination was systematically carried out from village to village after the preparation of a preliminary house survey. Protective inoculation was also carried out for controlling enteric infection.

(4) *Maternity, infant, and pre-school hygiene*—This branch of work continued to be the chief activity of the Health Unit and very much appreciated by the public. During the period under report the midwives of the Health Unit conducted 1,272 (1,355) cases of labour out of 1,850 (1,937) births. If the number of maternity cases attended to by other midwives working in the area of the Health Unit is also taken into account, the percentage of births which received skilled assistance was 77.8 (76.7). The Health Unit staff attended to confinements at the houses without any payment and continued to pay visits for ten days after confinement to see that everything went on well. Subsequently the infants were followed up during their infancy and pre-school period for guiding the mothers.

Besides conducting delivery cases, the Health Unit staff attended also to various other items of work. Three hundred and sixty-three clinics were held. 98.8 per cent of expectant mothers were registered. The midwives recorded 20,233 ante-natal and 9,979 post-natal visits, the Woman Medical Officer paid 2,315 home visits while the Health Visitors paid 24,892 home visits and 8,681 ante-natal and 2,640 post-natal visits, besides 8,266 visits to infants and 5,367 visits to children below school going age. 7,449 cases of minor ailments were treated and 437 cases were referred to hospitals for treatment. Cod liver oil was dispensed in 1,756 cases.

(5) *Health education*—Various methods were adopted for educating the public on the subject of health. The Health Unit staff delivered 330 lectures with magic lanterns, 137 with cinema and 362 without the aid of either. They also talked on numerous occasions in schools, in houses and in clinics. Domestic hygiene, cholera, small-pox, plague, malaria, hook-worm, tuberculosis, temperance and other matters formed the subjects of these lectures and talks. Fourteen health exhibitions were held and health propaganda was continued through leaflets.

(6) *Hook-worm*.—Hook-worm infection was fairly widespread among school going population. Mass treatment was given to them, the total number thus treated having been 1,851, while as many as 714 people were given treatment for the disease in the two dispensaries situated within the area of the Unit.

(7) *Laboratory work*—Simple tests were carried out in the Unit while the blood and water samples were sent to the King Institute, Guindy, for report. Numerous tests of urine, faeces and blood were carried out by the Health Unit staff. In the matter of hook-worm, representative samples were examined to find out the intensity of the infection.

(8) *General sanitation*—The question of village sanitation is still a big problem in the absence of a paid staff. An attempt was however, made to make one village carry out some definite items of work one after the other. The first item taken up was the provision of manure pits for each of the households either in their own backyards if sufficient space was available or in a common site outside the village. In another village, nearly 25 householders were induced to pay a small fee of four annas each per month for engaging a special servant for daily cleaning their surroundings. This considerably improved the sanitation and served as an object lesson for others.

Through the efforts of the Health Unit staff, 746 houses were white washed, ten windows were provided to houses, 5,374 backyards were cleaned, 3,980 fly and mosquito breeding places were eliminated, forty-five soakage pits were provided and ten earth drains were constructed. The construction of private bore-hole latrines was encouraged by the offer of concrete slabs at one-third cost and 100 such latrines were provided for houses. One Panchayat in the area of the Unit put up a trench latrine while another provided four public latrines with two seats each, two-thirds of the cost being met from the Government of India's grant for Rural Reconstruction.

(9) *Water supply*—Provision of protected water supply by means of bore wells was continued during the year and six successful borings were completed. The work was executed with the aid of a contribution of Rs 5,000 from the District Board supplemented by free local labour and also small contributions by the Panchayats by way of providing platforms and in certain cases pumps. These bore wells were put to a severe test during the last summer when there was a general scarcity of water, and without exception they continued to yield good drinking water. Three of the existing open wells were also covered up and provided with pumps.

(10) *General amenities*.—There were only three medical practitioners for a population of over 48,000 in the Health Unit area. As this was found inadequate, arrangements were made for another Doctor to visit one of the villages of the Health Unit on three afternoons each week for which he was paid a small remuneration by the villagers and the District Board. The success of this scheme induced the starting of a similar arrangement for another group of villages.

A vegetable market was put up at Poonamallee by a private party at a cost of Rs 4,000. Village radio sets were installed in two villages included in the Unit. The trunk road passing through the area of the Unit was concreted.

(11) *Public Health training*—The Health Unit is now being used as a regular training centre for the Rural Medical Practitioners who are expected to take up public health work within a radius of 5 miles of their headquarters. Already 115 Medical Practitioners in four batches have been trained. In addition to this, the B S Sc., and L P H students of the Madras Medical College and the students of the Health Visitors class are regularly deputed for a short practical course. Of late, Health Officers selected to be in charge of Health Units in other provinces spend a few days at Poonamallee to equip themselves before starting work in their own provinces.

(12) *Expenditure*—The expenditure on staff and equipment during the twelve months under report was Rs 23,518-8-7, of which a sum of Rs 15,692-6-11 was met from the Rural Development Grant and the balance of Rs 7,826-1-8 was contributed by the Rockefeller Foundation. A sum of Rs 1,180-9-10 was also spent on the provision of protected water supply from the District Board contribution of Rs 5,000

4 1936-37 allotment—In addition to the grants of Rs 14 lakhs on the rural population basis and Rs 26,453 from the reserve already sanctioned and referred to in the previous report a further allotment of Rs 1,17,620 was made to the districts from the reserve kept with Government for expenditure on approved categories of schemes. The following statement shows the distribution to the several districts—

Name of district	Amount sanctioned on rural population basis	Amount sanctioned from the reserve	Total allotment
	Rs	Rs	Rs
Anantapur	33,830	8,100	41,930
Arcot (North)	71,170	6,670	77,840
Arcot (South)	81,670		81,670
Bellary	29,170	5,500	34,670
Chingleput	51,330	500	51,830
Chittoor	50,170		50,170
Coimbatore	80,500		80,500
Cuddapah	31,500	6,500	38,000
Godavari East	61,830	8,000	69,830
Godavari West	39,660	15,100	54,760
Guntur	65,330		65,330
Kistna	39,660	15,000	54,660
Kurnool	36,170	8,000	44,170
Madura	64,170	12,253	76,423
Malabar	1,20,170		1,20,170
Nellore	50,160	7,000	57,160
The Nilgiris	4,670	15,960	20,630
Ramnad	53,670	6,330	60,000
Salem	82,830	8,170	91,000
South Kanara	46,670	9,000	55,670
Tanjore	73,500	1,000	74,500
Tinnevely	56,000	6,000	62,000
Trichinopoly	60,670	4,330	65,000
Visagapatam	1,15,500	680	1,16,180
Total	14,00,000	1,44,073	15,44,073

Besides, a sum of Rs. 50,000 from the reserve has been set apart for expenditure on the improvement of livestock and another sum of Rs. 50,000 has been allotted for expenditure on the employment of special staff in connection with the formation and encouragement of Co-operative Societies for consolidation of holdings

5 The following statement shows the progressive expenditure from the grant and cash contributions upto 30th November 1939 on the various categories of schemes —

	Amount spent from grant	Amount spent from contributions.
	Rs	Rs
Rural water supply	2,90,745	1,01,066
Rural sanitation	45,980	15,807
Village communications . . .	1,72,329	67,657
Encouragement and development of Co-operative loan and sale Societies	40,593	77,884
Formation and encouragement of Co-operative Societies for consolidation of holdings—		
I. Expenditure on special staff	729	..
II. Expenditure on items other than staff	81	2
Poonamallee Health Unit scheme	27,912	18,348
Establishment	2,225	
Total	5,89,594	2,80,764

6 The progress of the schemes during the year under report was as follows —

(1) *Rural water supply*—The total number of works approved for execution was 1,721, out of which 905 were completed, 612 were in progress and 204 were not started. A sum of Rs 2,13,156 was spent in all the districts under this head. The completed wells are handed over to the district or the Panchayat Board concerned for maintenance.

(2) *Rural sanitation*—Out of 520 works sanctioned, 228 were completed, 81 were in progress and 211 were not started. These works related mainly to the provision of latrines, construction of drains and control of malaria. A sum of Rs 45,225 was spent under this head.

(3) *Village communications*—Out of 436 works to be executed, 221 were completed and 151 were in progress and 64 were not started. A sum of Rs 1,10,795 was spent under this head. In all, about 147 miles of roads have been completed. After completion the roads are maintained by the local boards concerned.

(4) *Encouragement and development of Co-operative loan and sale Societies*—Subsidies amounting to Rs 5,900 were sanctioned from the grant for the construction of three godowns, one in each of the districts of Cuddapah, Ramnad and Salem, estimated to cost Rs 24,485 in all. Loans to the extent of Rs 15,000 were also sanctioned from Provincial Funds for two of these godowns. Subsidies for the construction of 46 godowns in all were sanctioned, of which fifteen were completed and eleven were in progress.

(5) *Formation and encouragement of Co-operative Societies for consolidation of holdings*—A sum of Rs 50,000 has been reserved for expenditure on the employment of special staff for work connected with the organization and supervision of Co-operative Societies for consolidation of holdings.

The employment of six junior inspectors of co-operative societies has been sanctioned at the rate of one in each of the districts of West Godavari, Nellore, Anantapur, North Arcot, Trichinopoly and Ramnad, for a period of three years. Very little work was however done till 30th November 1939. Consolidation was completed only in six cases while it was in progress in ten cases. The expenditure incurred amounted to only Rs 729 on staff and Rs 83 on other items.

(6) *Improvement of livestock*—A sum of Rs 50,000 has been set apart from the grant for expenditure on the improvement of livestock. The amount is to form the nucleus of the Provincial Livestock Improvement Fund. The constitution of a Provincial Board for the purpose of collecting contributions is under consideration.

BOMBAY

	Allotments from the Government of India's grants	Expenditure up to 30th Novem- ber 1939
	Rs	Rs
(1) Agricultural schemes including animal husbandry	2,78,664	2,20,221
(2) Industrial schemes	40,784	29,490
(3) Public Health and sanitation	1,05,800	77,640
(4) Rural water supply	80,829	46,262
(5) Village communications	94,609	75,865
(6) Education	66,723	62,584
(7) Propaganda in the districts	31,588	31,588
(8) Special agricultural and industrial schemes	32,562	29,866
(9) Miscellaneous	26,064	24,875
(10) Unallotted reserve	3,04,377	.
Total	10,62,000*	5,98,391

* Includes allotments from Rs 5,00,000 (second grant) earmarked but not yet allotted by the Government of India.

2 *Agricultural schemes including animal husbandry*—The distribution of seeds of improved varieties of paddy, sugarcane, cotton, nachni, wheat, bajri and tobacco was carried out on an extensive scale in almost all the districts of the province.

In the Belgaum district 45,737 lbs of improved paddy seed and 5,05,000 sugar cane sets of improved varieties were supplied to cultivators.

In the Dharwar district 95,600 sets of improved variety of sugarcane and 515 bags of Mugad paddy seed were distributed.

In Kanara improved seeds of onion and paddy and 12,000 sugarcane sets were distributed. Assistance was given to the cultivators to plant 283 coconut seedlings, 950 graft mangoes, 1,050 pineapple suckers, 100 graft chikus and 150 graft pomegranates.

In Ratnagiri 19 dusting machines were supplied to Taluka and Petha Development Associations, and many mango growers took advantage of them.

In Kolaba seeds of improved varieties of jack-fruit, kokum, cashew, myrabolium, etc and lemon seedlings were distributed as part of a campaign to encourage the development of *Varkas* or upper lands 400 grafted mango plants were supplied to the villagers at the concessional rate of 0.12-0 each A subsidy of Rs 665 was given to the poultry farm at Karjat A poultry kamgar who was engaged for the purpose visited 38 villages and surveyed their poultry methods Some Rhode Island and White Leghorn birds and about 1,000 eggs from the Karjat Farm were distributed

In Belgaum 4,000 plants of different kinds of fruit trees and 4,440 pine-apple suckers of an improved variety were distributed to the cultivators through the Taluka Development Associations and District Rural Development Board Fourteen improved gul furnaces were also constructed in the sugarcane tract under the supervision of the Agricultural Department The services of trained masons appointed by the Village Improvement Association, Belgaum, were supplied free to the cultivators for the purpose

At Yedhalli in the Bijapur district 5 cows, 5 calves and one breeding bull were maintained

The pumping plant set up at Kasap in the Kolaba district irrigated an area of 14-1/4 acres Two Bilsar *rahats* set up on the banks of the Kundalika river irrigate each an area of 4 acres of sugarcane and vegetable crops Another *rahat* at the demonstration centre at Varasā in Pen taluka irrigates 1-1/2 acres The demonstrations have resulted in the organisation of the Patalganga Valley Development Syndicate to work a scheme on comprehensive lines

Twenty-seven bunds with waste weirs were constructed in Athni taluka of the Belgaum district under the supervision of a bunding overseer in the employ of the Rural Development Board

In the Ahmedabad and Kaira districts grants were given to Taluka Development Associations for providing improved seeds, improved implements, mango grafting and other agricultural operations Four dust guns for dusting the crops with sulphur and other insecticides and five electro-magnets for making experiments in electro-culture were given to the Matar Taluka Development Association Implements like chaff-cutters and plant pullers were also introduced and seeds of improved variety and fruit plants were distributed at concession rates Mahis were engaged for grafting mango trees A small grant of Rs 10 was given for erecting hen houses in a poultry farm Fowls were distributed at concession rates to the people and a model poultry farm is run at Anand for demonstration purposes

In the Broach and Panch Mahals district Rs 256 were spent on purchasing and maintaining five bulls

In the Surat district, wheat, pine-apple sucker and juwar seeds as also plant pullers were distributed at concession rates at a cost of Rs. 575 while a stud bull was purchased and maintained at a cost of Rs 800.

In the Thana district various schemes as shown below were encouraged at a cost of Rs 5,808 —

- (a) Spread of improved varieties of seeds
- (b) Development of *Varkas* land
- (c) Development of Ulhas river valley

- (d) Silage making
- (e) Powdering of bones by charring process
- (f) Grain depots
- (g) Control of betel-vine wilt disease

Pure strains of improved varieties of paddy were obtained and supplied to the cultivators. Development of *Varkas* land was encouraged by supplying 764 mango grafts, lemon and guava plants at half the cost price while cashew-nut and jack-fruit seeds were supplied for spreading their cultivation. A mah was engaged to train the cultivators in horticultural operations by demonstrations in their gardens while a field-man was engaged to visit betel-vine gardens in order to instruct the cultivators in controlling the wilt disease. The scheme to utilise the tail water from the Tata Power Houses launched at Yerazade was extended to the neighbouring village of Dhoke by installation of another pumping plant and cultivators were thus enabled to grow irrigated crops. Demonstrations were held to explain to the cultivators the advantages of silage making and better manuring such as treating with Bordeaux mixture, making manure pits for storing natural manure and preparing bone meal. Two more poultry farms were opened at Wada and Mokhada. A field-man was engaged for instruction to the neighbouring cultivators in protecting their poultry from disease.

In the Bombay suburban district horticultural classes were held with the aid of the Agricultural Department.

In the Ahmednagar district bunding operations were conducted at a cost of Rs 800.

In the West Khandesh district eight bunding kamgars and one horticulture demonstrator have been appointed. Demonstrations in crushing bones and preparing manure and in charring them were given at three villages. A sum of Rs 600 was allocated for purchasing wheat strain No 168 and Pusa 4 and Akola Bajri. A tree planting day was celebrated and over a lakh of trees were planted. A sum of Rs 2,000 was given to the Dhulia Goshala for purchasing cows. Rs 100 were given to the Dhulia Agricultural School for the purpose of poultry improvement.

In the Nasik district, useful work in propaganda, seed distribution and demonstrations has been done. Rs 1,000 were sanctioned for popularising terracing as a remedy for soil erosion. About 2,800 fruit trees have been planted. Rs 75 have been allotted to each taluka and petha for making advances to villages for purchase of fowls. In the Poona district Rs 50 have been allotted for the purchase of a stud bull. Pure bred cocks were distributed among cultivators for improving local breed.

In the Satara district improved implements of agriculture were purchased and supplied to poor farmers free of rent. A grant of Rs 300 was given to the Taluka Development Association, Man, for purchasing improved seeds for the purpose of lending them to poor agriculturists in the Man petha and to take in return after harvest a slightly larger quantity.

of the same kind of corn. About 400 grafts of Alfonso and Payari mangoes were distributed at a concession rate. To encourage poultry farming grants of Rs 40 each were given to two persons.

The schemes for the improvement of poultry in villages and for the encouragement of pedigree poultry keeping by grant of premia to poultry farmers for maintaining farms were continued.

During the year under report 272 cockerels have been distributed in over forty villages. Out of these 171 were White Leghorns, 61 were Rhode Island Reds and 40 were Black Minorcas. The organisation of poultry improvement in various districts is making good progress. The graded stock is found yielding larger number of eggs better in size by about 40 per cent.

In addition premia were granted to eight approved poultry farmers who are co-operating with the Livestock Expert to Government in poultry improvement.

In the Sholapur district two bunding classes were organised.

3 *Industrial schemes*—In Kanara, two coir looms at a cost of Rs 106 were bought for the Industrial School at Honavar.

In Ratnagiri, instruction was given in improved methods of weaving.

A wool-weaving demonstration centre was opened at Bijapur with a view to reviving the industry for the benefit of the Kurbar (shepherd) population which forms nearly 1/8th of the population of the district. Four pupils completed their course in the centre and eight are under training. A stipend of Rs 6 per mensem is paid to each student. Stipends at Rs 15 per mensem and Rs 10 per mensem have been granted for higher training to two students of the district who have joined the artisan course in the Government Hand-weaving Institute, Poona.

A scheme for bee-keeping has been undertaken at Nandgad in the Belgaum district and a demonstrator appointed.

In the Kara district bed tape making machines and carding and ginning machines were supplied to four and five villages respectively. Small grants were given for spinning wheels and spinning and weaving accessories. In the Broach and Panch Mahals district a grant of Rs 250 was placed at the disposal of the District Local Board for making demonstrations in the methods of paper-making industry.

In the West Khandesh district an agricultural, cattle and industrial show was arranged at Kasara. A grant of Rs 50 was sanctioned to the industrial section of the show.

In the Nasik district the Weavers Society at Vinchur has been given an annual grant of Rs 200 for a period of 8 years with a view to encourage the weaving industry. In the Satara district a grant of Rs 50 was sanctioned to the weaving class at Nerli.

4 *Public Health and sanitation*—In Dharwar, 4 earth augers were bought for use in digging bore-hole latrines in the black soil area.

In Bijapur, 9 combined manure pits and latrines were constructed for demonstration purposes one in a village of each taluka and petha at a cost of Rs 25 each

A few dais were trained at the Civil Hospitals at Bijapur, Kanara and Ratnagiri

A pupil midwife was deputed from Dhairwar to the Civil Hospital, Belgaum, for training with a stipend of Rs 20 per month

In the Kana district table dispensaries were opened in 8 villages in addition to the one at Kunjarao, taluka Anand, which was given a grant for the purchase of furniture Four Village-uplift Committees were given grants for filling up unhealthy pits and for other sanitary purposes Grants were also given for the construction of latrines at two villages In the Broach and Panch Mahals district a sum of Rs 200 was spent for preparing bore-hole latrines in Kalol while a sum of Rs 125 was spent for cleaning the village pond of Kalak in Jambusar taluka A small grant-in-aid was given to the table dispensary at one village, as also sum of Rs 91 to the District Local Board for providing privies in three villages

In the Surat district a sum of Rs 400 was allotted for opening and maintaining table dispensaries, and Rs 125 were allotted to the training of village dais in Maternity Hospitals and Rs 200 for free supply of quinine in malarial tracts

In the Thana district table and travelling dispensaries were run at a cost of Rs 293 through the agency of primary school teachers trained by the Civil Surgeon to treat ordinary ailments Baby and health week shows were held for educating the public in the proper care of labour cases at a cost of Rs 300 and an anti-guineaworm campaign was systematically carried out in selected villages at a cost of Rs 500

In the Bombay suburban district masonry gutters at Versowa have been cleaned and maintained at a cost of Rs 67

In the West Khandesh district grants were given to two Village Panchayats for sanitation Rs 230 were spent for the construction of latrines in villages and Rs 40 for filling up unhealthy pits in a village

In the Nasik district the Medical Relief Association Malegaon, was given a grant of Rs 200 annually for a period of 3 years The scheme of training dais and teachers for 3 months with a scholarship of Rs 10 per mensem at the Civil Hospital Nasik is being continued

In the Satara district a Maternity Home and Infant Welfare Centre has been opened at Atit and a provision of Rs 1,000 has been made for it The centre is working satisfactorily

In the Sholapur district a training class for dais was organised under the supervision of the Civil Surgeon and Vice-President of the Village Improvement Committee

5. *Water supply*—The construction of five bore-wells in Dharwar and seven small dams in Kolaba was completed Three village water supply works are under construction in Bijapur Repairs to tanks and wells were carried out in all the districts of the southern division

In the Kaira district one village tank was deepened while another was cleared of its silt. Bunds and a retaining wall near two tanks were constructed. Two water-troughs and one well were also constructed.

In the Broach and Panch Mahals district a sum of Rs 56 was spent as additional cost towards digging a well while a sum of Rs 50 was spent for turning a step-well into a draw-well.

In the Surat district an allotment of Rs 2,050 was made for water supply.

In the Thana district Rs 200 were spent in clearing and deepening tanks and in constructing a bore well.

In the Bombay suburban district the Dahisar bunding scheme is being completed. This will prevent the sea water from percolating into the village wells and turning the drinking water brackish. A sum of Rs 2,592 has been spent during the year on this scheme.

In the West Khandesh district Rs 270 were spent for repairing wells and kunds. In the Nasik district several step wells in villages have been converted into draw wells and Rs 2,500 have been earmarked for the purpose. Rs 250 were spent on blasting rock for a cistern at Dapur village. In the Satara district an amount of Rs 1,773 was spent on constructing new water works and on repairing the existing ones.

6 *Village communications*—An approach road, a small bridge, local roads in five villages, slab drains, culverts, and stone pavements in some others were constructed in the Dharwar district.

In Bijapur, 4 village approach roads were sanctioned for execution and Rs 150 were paid to the District Local Board for plans and estimates.

In Kanara, a bridge and sixteen village roads were repaired. The construction of fourteen other roads and a bridge is under consideration.

Village roads were constructed in the Ratnagiri district at a cost of Rs. 9,627.

In Kolaba, thirteen approach roads were constructed and repairs were carried out to five village roads.

In the Kaira district repairs were made to some roads while approach roads and joining roads were constructed at a total cost of Rs 1,851.

In the Broach and Panch Mahals district a sum of Rs 50 was incurred in paving roads with metal, while Rs 250 were spent for repairs to the embankment of a road in the Wagra taluka.

In the Thana district approach roads were constructed with the help of popular contributions in kind and labour for improving the communication of villages at a total cost of Rs 1,650.

In the West Khandesh district Rs 880 were spent for road repairs with the help of villagers. In the Nasik district the villagers have constructed approach roads in 11 villages. In the Poona and the Satara districts an expenditure of Rs 2,680 has been incurred for road repairs. The villagers

of Ambola in Shurla Mahal have repaired their village approach road without any outside help to a length of 3-1/2 miles. A sum of Rs. 25 was distributed to them as reward.

7 *Education*—One school-building was constructed in the Dharwar district. Books worth Rs. 150 were bought in the Kanara district for village libraries.

Rs. 214 were paid to the teachers of night schools in Bijapur.

In the Kaira district libraries were opened at five villages. Equipment for physical culture was supplied to one school.

In Broach and Panch Mahals district night and day schools in five talukas are run while two school buildings and one library building were constructed and books and slates were given to poor children, at a total cost of Rs. 3,480.

In the Surat district Rs. 1,300 have been allotted for circulating libraries, conducting schools, free supply of slates, pens and books to backward class boys and constructing a school building in a village.

In the Thana district the class opened at Sanjan for imparting industrial education was continued.

In the Bombay suburban district three schools for aboriginal tribes were financed out of the grant of Rs. 1,075.

In the West Khandesh district a circulating library has been opened for the Dhulia taluka. In the Nasik district the scheme of subsidising village schools at Rs. 3, 5 and 10 per mensem is being continued. In the Poona district Rs. 180 were spent on grants-in-aid to village schools and Rs. 8 for literature. In the Satara district Rs. 1,500 were given to the Rayat Shikshan Sanstha, Satara, towards erection of a model school building. Grants of Rs. 12, 25 and 10 respectively were given to 3 village libraries. A grant of Rs. 50 was made available to the adult female education class at Udtara, taluka Wai. In the Sholapur district 7 circulating libraries were opened for the rural population.

8 *Propaganda*—In the Nasik district the Honorary Secretary, District Village Improvement Committee, has carried out village improvement propaganda in the villages.

In the Surat district a sum of Rs. 100 was spent under this head while in Thana district leaflets detailing the methods of preparing manure were distributed.

9 *Miscellaneous*—A sum of Rs. 100 was spent for paying to sufferers on account of a fire at Sayan in the Surat district. A grant of Rs. 1,200 for providing corrugated iron sheets for constructing tenements has also been made.

10 *Special agricultural and industrial schemes*—In the Nasik district a grant of Rs. 5,000 has been allotted to the Agricultural and Rural Vocation School. Rs. 2,000 have been earmarked for opening Grain Banks. In the Poona district Rs. 200 were given to the Agricultural Association for purchasing improved seeds for further multiplication. Rs. 204 were spent on the pay and travelling allowance of the bunding sub-overseer.

BENGAL

First Grant

	Alloiments from the Government of India's grant	Expenditure upto 30th November 1939
	Rs	Rs
1 Establishment of seed, paddy and crop demonstration centres	1,09,000	1,09,000
2. Improvement of cattle and fodder crops	1,75,000	1,75,000
3. Improvement of poultry	500	500
4 Propaganda work in districts	20,000	19,700
5 Wireless transmission in Midnapore	17,000	17,000
6 Establishment of an Agricultural Institute at Daulatpur	50,000	50,000
7 Establishment of coir spinning and weaving demonstration parties	40,700	40,700
8. Establishment of Union Board dispensaries, improvement of water supply and grant to Sriniketan	3,95,000	3,89,000
9 Attachment of agricultural farms, etc., to secondary schools and provision of play grounds and village halls	2,34,000	2,33,300
10. Grants-in aid to Boy Scouts, Girl Guides and Bratachari Movement	20,000	20,000
11 Minor drainage and flushing schemes	3,03,000	2,83,300
12 Improvement in Chittagong Hill Tracts	30,000	29,600
13 Discretionary grants to Commissioners and District Officers	2,05,800	2,05,600
Total 1st grant	16,00,000	15,72,700

Second Grant

1 Improvement of rural water supply	3,61,700	4,54,100
2 Provision of playing fields and recreation grounds for villages and village schools	1,30,900	1,53,500
3 Improvement of village communications	2,00,900	2,37,100
4 Improvement of rural sanitation	36,300	29,700
5 Extension of cattle improvement scheme to more districts	1,26,800	1,30,000
Total second grant	8,56,600	10,04,400
Grand Total	24,56,600	25,77,100

2. *Scheme for establishment of seed, paddy and crop demonstration centres (1st grant)*—Cultivation of different crops in the various centres (approximately 450) was attended with success except in a few farms where crops were damaged by flood

3 *Improvement of cattle and fodder crops (1st grant) and extension of cattle improvement scheme to more districts (2nd grant)*—The total number of stud bulls distributed in various districts is 1,650. About 117 lakhs of Napier grass cuttings and 385 maunds of fodder seeds have been issued. Approximately 91,200 scrub bulls have been castrated and 32,000 progeny of stud bulls have been numbered. The majority of the stud bulls are in good serving condition.

4. *Improvement of poultry (1st grant)*.—A good number of cockerels, 90 dozen eggs and 200 breeding fowls were issued to the districts of Dacca,

Faridpur, Rajshahi, Malda, Bankura, Berhampore, Nadia, Comilla and Noakhali. Everywhere the scheme worked satisfactorily except in the districts of Malda, Comilla and Noakhali where disease among poultry stood in the way. The improved breed of poultry is spreading in many villages and poultry societies are being formed.

5 *Propaganda work in the districts (1st grant)*—Loud speakers and gramophones were purchased and distributed to the District Officers. Some special gramophone records were prepared and distributed. The small balance left over will be utilised for petty repairs to some loud speaker sets.

6 *Wireless transmission in Midnapore (1st grant)*—The installation and maintenance of radio sets in the district of Midnapore was entrusted to the All-India Radio. The scheme has worked successfully.

7 *Establishment of an Agricultural Institute at Daulatpur (1st grant)*—The Agricultural Institute building has been completed at a total cost of Rs 2,44,000 out of which 50,000 was met from the 1st grant and the balance out of provincial revenues.

8 *Establishment of coir spinning and weaving demonstration parties (1st grant)*—Spinning and weaving demonstration parties were formed and located in selected districts. 330 students were admitted of whom 216 were actually trained. Out of this number 119 have taken up coir spinning for their livelihood. Vocational classes for training in the manufacture of coir have been started by various public institutions and rural reconstruction societies. Many women have adopted coir manufacture as a part-time occupation. The scheme is being continued, the charges being met from provincial revenues.

9 *Establishment of Union Board dispensaries, etc (1st grant) and improvement of rural water supply (2nd grant)*—

	Number of projects approved	Number of projects carried out
(a) Union Board dispensaries	123	116
(b) Water supply—		
Tube wells	4,505	3,751
Masonry wells	503	355
Tanks	144	123
Ring wells	420	390
Other kind of wells	216	187
Ring wells in Terai and improvement of existing sources of water supply in Darjeeling district	Fully carried out	

10 *Grant to Sriniketan (1st grant)*—The five village Health Societies started under this scheme are all working satisfactorily.

11 *Attachment of agricultural farms etc to secondary schools and provision for play-grounds and village halls (1st grant)*—The allotment has been almost used up. The small unspent balance is expected to be fully utilised during 1939-40.

12 *Grant-in-aid to Boy Scouts, Girl Guides and Bratachari Movement (1st grant)*—The amount has been fully utilised.

13. *Minor drainage and flushing schemes (1st grant)*—It was decided that these schemes should be executed by District Boards under the supervision of the technical experts of Government. It was also decided

that one-third of the cost of each scheme as well as its maintenance charges should be borne by the District Board, the remaining two-thirds of the capital cost being met out of the first grant. On this principle thirty schemes in fifteen districts were selected and approved out of which sixteen have been completed, ten are in progress and four have not yet been taken up.

14 *Improvement in Chittagong Hill Tracts (1st grant)*—The details of the expenditure incurred are —

	Allotment from Government of India's grant	Expenditure upto the end of November, 1939
	Rs	Rs
1 Rangamati water supply scheme .	5,000	5,000
2 Water supply	17,300	17,300
3 Clearing rivers of snags .	200	200
4 Construction of small bridges and communications	3,500	3,500
5 Draining of dhebas	2,000	2,000
6. Agricultural and industrial improvement for exhibition	800	800
7 Agricultural and industrial improvement	1,200	800
	<hr/>	<hr/>
Total	30,000	29,600

15 *Playing fields and recreation grounds for villages and village schools (2nd grant)*—The number of schemes so far completed is 401

16 *Improvement of rural sanitation (2nd grant)*—Out of 151 approved projects of drainage, conservancy, clearance of jungle, removal of water-hyacinth, filling up of insanitary ditches, re-excavation of khals, etc., 118 projects have so far been completed

UNITED PROVINCES

Details of the total allotment from the Government of India's grant are given below —

	Rs
1. Main scheme	7,00,000
2 Departmental (Agriculture) schemes	3,28,000
3. Kumaun schemes	50,000
4. Public Health schemes	3,18,000
5. Industrial schemes	70,000
6. Publicity schemes	36,600
	<hr/>
Total	15,00,000

The last mentioned five schemes totalling Rs 8,00,000 were finally wound up in February 1938 and unspent balances aggregating to Rs. 3,21,407 were resumed by the Provincial Government. This amount was made available for allotments under the main scheme. With the resumption of unspent balances, these schemes closed.

With the concurrence of the Government of India the rural development schemes financed by the Government of India have been amalgamated with the Provincial schemes.

REPORT ON THE PROGRESS OF THE SCHEMES FINANCED FROM THE GRANTS 237
FOR RURAL DEVELOPMENTS

The total expenditure incurred out of the Government of India's grant up to 30th November 1939 amounted to as under —

	Rs
Main scheme	8,19,943
Other items, viz., departmental schemes, rural communica- tions and water supply	4,67,233
Total	<u>12,87,176</u>

The Provincial Government have issued a separate report regarding all schemes of rural development under their control including those financed from the Central Fund

PUNJAB

First Grant

	Allotments from the Government of India's grant	Expenditure upto 30th November 1939
	Rs	Rs
(1) Sanitary improvements in Gujrat district	8,829	8,829
(2) Bore-hole latrines in Gurdaspur district	10,000	9,084
(3) Serum cellars	20,225	18,954
(4) Fruit growing	62,000	62,000
(5) Reconstruction of Veterinary Hos- pital at Rohtak	12,000	11,478
(6) Construction of 10 Veterinary Hos- pitals	60,000	59,682
(7) Well boring	25,898	25,898
(8) Consolidation of holdings	2,01,766	2,01,766
(9) Broadcasting	48,040	48,040
(10) Tanning scheme	75,920	75,390
(11) Water supply scheme	2,25,322	1,70,309
(12) Discretionary grants	1,00,000	98,908
Total	<u>8,50,000</u>	<u>7,90,338</u>

Second Grant

(1) Water supply schemes	1,48,019	. . .
(2) Consolidation of holdings	1,81,006	1,81,006
(3) Reclamation of Chos	12,830	*14,246
(4) Village industries	4,270	*4,169
(5) Award of prizes for good cattle belong- ing to the members of Co-operative Societies	3,000	2,943
(6) Village improvement schemes through Co-operative Department	2,000	2,000
(7) Construction of a normal school for vernacular teachers to give train- ing	51,200	44,357
(8) A centre for training teachers to run Girl Guides Companies and Blue Bird Flocks	10,000	10,000
(9) Scholarships for the training of <i>Dois</i> and Nurse <i>Dois</i> in rural areas	10,500	*28,078
(10) Appointment of Lady Assistant to Inspector General of Civil Hos- pitals, Punjab	18,375	*22,864

	Allotments from the Government of India's grant Rs	Expenditure upto 30th November 1939 Rs.
(11) Sheep development in the South- West Punjab	5,360	5,355
(12) Development of indigenous sheep breeding in the Hansana tract	8,240	
(13) Chakwal Tahsil Soil Conservation project	11,000	*13,932
(14) Cinema films and loud speakers	21,000	20,400
(15) Coloured pictures and posters	10,000	5,640
(16) Work in the Army	4,500	1,300
(17) Well boring	18,000	15,588
(18) Village improvement schemes through District Officers	91,647	66,903
(19) Reserve	153	
Total	6,11,000	4,38,779

*The excess expenditure on these schemes is being met from the unexpended grant for water supply schemes, which will be recouped on receipt of the balance of Rs 1,39,000 from the second Government of India grant of Rs 8,50,000

2 First grant—

(1)—(6) These schemes were completed last year and therefore need no mention except that the total expenditure incurred on scheme No 6 amounted to Rs 59,682 against Rs 59,032 reported last year. The unspent balances aggregating Rs 3,027 are being resumed by the Provincial Government and the amount will be made available for expenditure on other schemes.

(7)—(8) Total allotment of Rs 2,27,664 made for schemes Nos 7 and 8 was spent last year. These schemes are, however, still in progress and are now being financed from the second grant of Rs 6,11,000 made by the Government of India in 1938.

(9) *Broadcasting*—Total grant of Rs 48,040 was spent on this scheme up to 31st March, 1939.

Special programmes on a variety of subjects of rural interest and utility were broadcast from All-India Radio Station, Lahore, during the period December, 1938, to 31st March, 1939.

The demand for plays has been on the increase and it has been found to be the best medium of propaganda. During the four months under report twelve plays and feature programmes were broadcast on various social evils and other characteristics of village life. Feature programmes were presented on the occasion of festivals and were a very popular aspect of rural programmes. Market rates were a regular feature of daily programme.

(10) *Tanning scheme*—This scheme was started in the year 1935-36 with an allotment of Rs 75,920. A part of the money was spent on the Central Training Institute at Jullundur and balance on two Travelling Tanning Demonstration Parties. An expenditure of Rs. 75,390 was

incurred against this grant up to 30th November, 1939 and the balance of Rs 530 is anticipated to be expended before the close of the current year

The Institute continues to be popular as the seats for chamars are always fully occupied and educated persons are also showing increasing interest in training in tanning by modern methods

The research work started under the scheme is being continued in the laboratory attached to the Institute by the students and the Chemical Assistant who is paid from the provincial revenues

(11) *Water supply schemes*—With the exception of the Sakhi Sarwar and Jabbi villages water supply schemes, all the other six schemes mentioned in the last year's report have been completed and water is being supplied to the villages concerned. Accounts for these schemes have, however, not yet been finally closed

The Sakhi Sarwar scheme is in hand but the estimate for the Jabbi village scheme has not yet been sanctioned

Total expenditure on these schemes up to the end of November, 1939, amounted to Rs 1,66,919

(12) *Discretionary grants*—A sum of Rs 98,908 has been spent out of the total sum of Rs 1,00,000 provided for this purpose. The general nature of this grant was described in the report for the period ending with 31st July, 1936

3 Second grant—

(1) *Water supply schemes*—No expenditure was incurred on these schemes up to the end of November, 1939

(2) *Consolidation of holdings*—

(a) *Through Co-operative Department*—An area of 59,268 acres has been consolidated during the period under report at a cost of Rs 86,347, which gives an average of Rs 1-7-4 per acre. The total area consolidated up to date is 180,389 acres. The importance and advantages of this work are self-evident requiring no details. This is the quickest method of enhancing the income of the peasant class

(b) *Through Revenue Department*—The two grants made by the Government of India of Rs 50,000 each for this scheme having been spent last year, the operations are now being financed from the Provincial Development Fund

(8) *Reclamation of Chos*—Rs 14,246 have been spent on the staff of two Inspectors with camp clerks and peons and ten Sub-Inspectors employed on this work during the period under report. By the appointment of this staff the work was started in the real sense and as a result sixty-two new societies were registered. The societies are doing the work of (i) distribution of income, (ii) closure of the areas, (iii) employment of guards, (iv) wathandi, (v) sowing of trees including fruit trees, (vi) no-pour and (vii) starting of nurseries, etc

(4) *Village Industries* —With this grant one canvasser and one master weaver were employed, arrangements were made for shows, and show rooms were started and machinery purchased

The canvasser did canvassing, advertised the goods manufactured by industrial societies and secured orders for the goods and supplied the same

Similarly the master weaver visited several places in order to demonstrate the methods of preparing new designs and samples His visits proved to be very useful to co-operators in teaching them how to prepare new designs and solving their difficulties

The machinery purchased has proved to be of immense value for dyeing yarn in fast colours, twisting yarn, manufacturing of broad width goods and flowered goods

Show rooms started by the Co-operative Department at different places particularly the one at Amritsar, which is the most important centre of commerce and trade, serve as the best means of advertising goods, booking orders and making sales

(5) *Award of prizes for good cattle belonging to the members of Co-operative Societies* —During the period under report prizes of the value of Rs 2,948 were given The system has encouraged the co-operators, with the result that membership in societies has increased Award of prizes has made the cattle breeding scheme much more attractive and keen interest is being taken to keep good cattle for the sake of breeding and for winning prizes

(6) *Village improvements through Co-operative Department* —Rs 2,000 have been spent on this work during the year The improvements effected are (1) repairs of wells for drinking water, (2) installation of water pumps, (3) construction of bath rooms for women, (4) repairs of water springs, (5) pavement of village lanes, (6) construction of pucca drains, (7) digging of manure pits and ponds for water for cattle and (8) making of bore-hole latrines

(7) *Construction of a normal school for vernacular teachers to give training* —The work was completed on the 23rd October, 1939 The school is in full swing there The contractor's final bill has not yet been passed The expenditure on the whole will approximately be Rs 49,797 (inclusive of cost of sanitary installation)

(8) *A centre for training teachers to run Girls Guides Companies and Blue Bird Flocks* —The entire grant of Rs 10,000 was spent last year The scheme, therefore, needs no mention

(9) *Scholarships for the training of Dais and Nurse Dais in rural areas* —One hundred scholarships for nurse Dais and two hundred for trained Dais have been awarded to women from rural areas who gave an undertaking to serve in any appointment as Nurse Dai or Trained Dai for a period of two years or to settle for private practice in rural areas preferably in their own villages after qualification Up to ten per cent of the total number of scholarships have been awarded to women of scheduled castes and the number of scholarships in each district was adjusted according to the rural population of the district and due regard was paid to communal proportions

(10) *Appointment of Lady Assistant to the Inspector General of Civil Hospitals, Punjab* —Dr E Hamilton Browne, M B Ch M, W M S, held

charge of the appointment of Lady Assistant to the Inspector-General of Civil Hospitals, Punjab, throughout the year except for a brief period of 3 months and 29 days when she proceeded on leave *ex-India*. She made seventy-five inspections of hospitals and dispensaries during the year up to the 30th November, 1939, in order to report on the suitability of the existing facilities available for the provision of medical aid for women by Lady Doctors especially in rural areas, and to explore all possible avenues for further extension and expansion of such facilities. The constructive criticisms and suggestions made by her proved invaluable in that the authorities responsible for the maintenance of Women's hospitals, dispensaries and sections have reacted favourably to the criticisms and have carried out the much needed improvements in the institutions maintained by them.

(11) *Sheep development in the South West Punjab*—Seventeen sheep breeding units, each consisting of one ram and fifty ewes, have been established in five districts. Twenty-four such units are expected to be purchased during the current financial year.

(12) *Development of indigenous sheep breeding in the Hariana tract*—On account of fodder scarcity in the Hariana tract, it has not been possible to incur any expenditure so far under this scheme. Steps, however, have now been taken to purchase some sheep.

(13) *Chakwal Tahsil Soil Conservation Project*—Considerable progress has been made since the work was first taken up and this progress is continuing. The work has been well carried out and the expenditure thereon has not been excessive.

(14) *Cinema films and loudspeakers*—Two complete sets of loudspeakers have been purchased. These loudspeakers were installed on the occasion of many important rural gatherings during the period under report. They have proved of great propaganda value. Sixteen millimetre films being cheaper and easily portable than thirty-five millimetre have been prepared on the following subjects for mass instruction—

	Feet
(i) Cattle Show, Delhi	600
(ii) Cattle Farm, Hissar	1,200
(iii) Life in the Army, I	1,200
(iv) Life in the Army, II	1,500
(v) Sowing of cotton in lines	400
(vi) Eradication of Pohli	400
(vii) Ministers' tour in Gurdaspur	200
(viii) Lahore Zoo	200
(ix) Army Life	200
(x) Grafting of fruit trees	200
(xi) Judging of villages	100
(xii) Kulu Fair	
(xiii) Lessons in Domestic Science	
(xiv) Erosion	450

It is proposed to make more films on "Agriculture", "Co-operation", "Domestic Science", "Cottage Industries", and "Consolidation of Holdings". Cinema shows have been organised in rural areas and the films prepared by Rural Reconstruction Office have already become quite popular with the villagers.

(15) *Coloured pictures and posters*—Five thousand copies of pictures have been printed on each of the following subjects —

- (1) The Daily Bath, (2) A Village Home, (3) A Village Well, (4) A Village School, (5) Straight Furrows and (6) Harvest

Out of this stock, pictures to the value of Rs 600 have been sold. The income from such sales will be utilised in connection with the printing of other pictures which are in the press.

A good beginning has been made and pictures are being liked by the villagers and the army, and are being preferred to the cheap Japanese stuff, now available in the market.

(16) *Work in the Army*—Lectures have been arranged for serving soldiers and reservists by the departmental experts of this Government on the subjects of rural interest.

Northern Command have been provided with wool and needles for distribution among women welfare centres for teaching knitting to the womenfolk.

Rural Reconstruction Office is in touch with Army Headquarters and various Commands to find out other ways of assisting military authorities in teaching rural reconstruction to their Punjab personnel. Progress under this scheme has, however, been somewhat retarded by the outbreak of war.

(17) *Well boring*—A considerable stimulus was given to well boring by the temporary abolition of the overhead charges.

(18) *Village improvement schemes through District Officers*—A sum of Rs 66,908 was spent up to the end of November, 1939, on village improvement schemes in selected districts, e.g., improvement of village roads, street pavement, making of drains and pits for manure and improvement of water supply in villages.

BIHAR

	Allotments from the Government of India's grant	Expenditure up to 30th November, 1939
	Rs	Rs
1 Village communications	2,96,400	2,41,654
2 Rural water supply	4,20,210	5,02,579
3 Miscellaneous	1,24,115	95,917
4 Village welfare schemes	80,000	29,322
5 Unallotted reserve	46,775	
Total	9,67,500	8,62,472

2 *Village communications*—821 schemes relating to rural road development were sanctioned and 621 were taken up. With the approval of the Government of India, the District Officers in Chota Nagpur Division, South Bihar and some districts in North Bihar have been instructed to incur expenditure from the Rural Development grant on water supply (including small irrigation works) only, except to the extent of commitments already made for village roads in process of construction. As a consequence of this decision, the scope of the expenditure from the grant

on village communications has been restricted, but nevertheless the work of renovation and repair of old village roads is proceeding fairly successfully and beneficially wherever it is still undertaken

As already reported last year schemes relating to village communications are on the whole not so successful as water supply schemes, the chief reasons being the greater difficulty of obtaining the necessary one-third contribution, and the lack of technical knowledge and advice available to the villagers. Apart from this the problem of maintaining the village roads already constructed is presenting certain difficulties. The roads that were built sometime ago are already getting into disrepair, particularly in the flood affected areas in North Bihar and the villagers, either owing to apathy or to poverty, are disinclined to maintain and repair such roads. Some District Boards on the persuasion of local officers have undertaken the future maintenance of roads constructed out of this grant but their number is small. The Provincial Government have at present under consideration the question of the future maintenance of such roads and they hope to arrive shortly at some satisfactory solution of the whole problem.

3 *Rural water supply*—4,146 schemes were sanctioned and 3,260 taken up. Rural water schemes are more popular than village communication schemes although even in the case of wells the required one-third contribution from villagers is difficult to secure. The grant under this head was utilized for construction of wells at places where they were absolutely necessary. In the district of Saran in the Tirhut Division most of the wells constructed were of a type which would serve both domestic and small irrigation purposes, but there is still a great demand for irrigation wells. In the district of Muzaffarpur, there is still a great demand for wells for the depressed classes. In Bhagalpur Division progress in the sinking of wells has not been very satisfactory. Out of the total number of 164, 564 and 258 projects sanctioned in Monghyr, Bhagalpur and Santhal Parganas respectively only 78, 268 and 132 wells have been sunk up-to-date, the slowness of the progress being due to the rocky nature of the sub-soil, the backwardness of the Santhal population, the scattered nature of the country and the difficulty of securing one-third contribution from the villagers. In the district of Purnea, cement concrete rings have been used for the construction of wells with success. There was a proposal to sink tube wells in this district but on account of recent rise in the price of iron and galvanised iron pipes, this has been temporarily abandoned. Four tube wells were sunk out of this grant in the Supaul sub-division of the district of Bhagalpur which is subject to severe inundation from floods and remains water-logged for the greater part of the year. In the Chota Nagpur Division expenditure under this category was Rs 2,26,372 and progress has been generally satisfactory.

4 *Miscellaneous*—Schemes relating to the drainage of Chauras and water-logged areas in North Bihar fall under this category. 209 schemes were sanctioned and 166 were taken up. The total expenditure under this head up to end of November 1939 is Rs 95,917. A sum of Rs 2,115 has been spent in Supaul in filling up the depressions caused by the earthquake and improving the outfall of drainage, etc.

5 *Village welfare schemes*—The work is carried on in four centres, viz., Manair, Chapra Megh, Kuree and Mihijam. The total number of villages covered by these centres is sixteen.

Among the improvements effected the following deserve special mention —

- (i) *Communications and water supply*—About half a mile of village road and lanes was repaired at Manair. The Mihijam Birgaon road is under construction. A number of approach roads and lanes were repaired at Mihijam and Chapra Megh. One new well was sunk and an old one was repaired at Manair. Fifteen old wells were repaired and four new wells sunk at Chapra Megh. One new well was also sunk at Mihijam. Besides, nearly 800 wells were disinfected during the epidemic season. All these were carried out by the co-operative efforts of villagers.
- (ii) *Village literacy and adult education*—There are eleven primary schools in all including one Girls School. One school building was completed at Manair and another in Mihijam. There are 71 adult schools in these centres. About 2,000 adults have been made literate during the year under review. These schools are generally financed by the villagers themselves.
- (iii) *Public Health and sanitation*—Two village dispensaries have been established on co-operative basis. During the period under review, 2,800 patients suffering from malaria, cholera and other ailments received medical help from these dispensaries. Fortnightly "Village-clean-up-Campaigns" are conducted in the villages. All refuse or waste matter is carefully accumulated and buried under rubbish pits. Twenty-five trench and bore-hole latrines have been constructed during the period under review. One Health Association has been started in every village.
- (iv) A feature of the work in connection with the schemes under this category was the training of villagers in the preparation of suitable composts and manure pits. It is reported that during the year under review over 600 manure pits and 100 compost heaps were made in the selected villages in which the village welfare scheme is in operation.

Attempts have also been made to introduce improved implements of agriculture, improved seeds and improved breeds of cattle by demonstration, purchase of stud bulls, etc., with moderate success. Maternity and child welfare work has also been started and a midwife appointed for work in the villages.

6 *General remarks*—Progress so far has not been as rapid as the Provincial Government would have wished, but they are satisfied that the work done has been accomplished carefully and well and has been of lasting benefit to the rural population. The reasons for the comparatively slow progress are the difficulty of securing the requisite contribution, the lack of technical advice to the villagers entrusted with the work and the large increase in the work and responsibilities of local officers on account of agrarian, communal and labour troubles. The Provincial Government have under consideration the question of devising ways and means for expediting the work.

CENTRAL PROVINCES AND BERAR

	Allotments from the Government of India's grant	Expenditure upto 30th November, 1939
	Ra	Ra
1 Rural water supply	1,20,000 } 20,000 }	1,08,997
2 District Officers' discretionary grants	1,00,000	87,965
3 Welfare of aboriginal tribes in scheduled districts	40,000 } 6,000 }	32,244
4 Cheap plan dispensaries in villages	15,000 } 39,409 }	54,289
5 Experiments in poultry farming	10,000	9,734
6 Improved bulls for District Councils	30,000	28,748
7 Farm in Mandla District	30,000	29,414
8 Additional Debt Conciliation Boards	1,00,000	1,00,000
9 Cineinas on lorries for demonstration work	20,000	19,441
10 Purchase of boring plants	15,000	13,945
11 Storage accommodation for cultivators' produce	20,000	16,120
12 Travelling dispensaries in rural areas	36,076	15,656
Total		5,16,553

2 *Rural water supply*—The scheme contemplates the construction of 211 wells in the nineteen districts of the province and the improvement of water supply in raiyatwari areas by the construction of twenty new wells and one tank, repairs to forty wells and ten tanks, and the construction of a water channel. It was hoped that the entire grant would be utilised by the close of March, 1939, but the local bodies could not fulfil the condition in respect of their contributory share and most of them have applied for further extension of time to complete the works which has been sanctioned by the Provincial Government.

3 *Discretionary grants*—As previously reported the whole of the expenditure under this head is devoted to the construction of new wells, new tanks, repairs of old wells and tanks, repair of roads, and construction of causeways on village roads. Such works number 303 of which 261 have been completed. The balance left on the 1st December, 1939, on account of forty-two works which are in progress will be expended during the forthcoming hot weather.

4 *Grant for the welfare of aboriginal tribes*—As has already been stated in the last report the schemes sanctioned by the Provincial Government include travelling dispensaries, construction of new roads and wells or repairs thereto and a small contribution to a dispensary in the Chanda district for the treatment of aboriginals suffering from a disease called "yaws". These works are thirty-three in number. A sum of Rs. 9,000 was allotted for the maintenance of two travelling dispensaries for two years in the Raipur and the Mandla districts. These dispensaries have done useful work. It was originally intended to establish a cheap

plan dispensary at Khamla but instead of utilising the amount on this work the District Council, Betul, subsequently made proposals for spending it on the establishment of a cheap plan dispensary at Bijadehi. The proposal is under the consideration of Government. An additional allotment of Rs 3,075 has been sanctioned towards the construction of some cross drains in the ghat portion of the link road from Khapa to Lutia in the Chhindwara district. It is hoped that the balance of the grant will be expended during the year 1940-41.

5 *Cheap plan dispensaries*—During the period under report the construction of four additional cheap plan dispensaries at the following places has been sanctioned by Government—

- 1 Sainkheda,
- 2 Darekasa,
- 3 Borakhedi, and
- 4 Shahpur

The dispensaries at Kurkheda, Maunda, Atnair, Lomta, Bhainragarh, Bilagarh, Karanja, Sahaspur-Lohara have already been opened and those at Raipur Forest Village, Chicholi, Sainkheda, Darekasa and Kurud have been opened in local buildings pending construction of standard plan buildings.

Proposals for the establishment of cheap plan dispensaries at Baraduar and Kurud have also been sanctioned by Government but, as the allotment sanctioned for this scheme has been exhausted, the works had to be held up.

6 *Experiments in poultry farming*—On the Borgaon farm additional accommodation to the incubation room has been added during the year at a total cost of Rs 666 and a further allotment of Rs 157 has been provided during the current year for some further additions to the poultry houses in order to provide sufficient accommodation for the increasing number of birds.

Fowls and eggs produced on this farm are advertised in rural areas through the agency of the demonstration staff of the Department and also by exhibiting them at the "Farmers Day" demonstrations on Government farms, demonstration plots, fairs and exhibitions. The merits of these birds and also the importance of taking up poultry farming as a subsidiary industry are impressed on the farmers on these occasions.

During the year under report the following birds and eggs were sold or distributed free for rearing—

	Distributed free to cultivators	Transferred to other farms for rearing	Total issued during the year	Progressive total from the beginning.
Cocks			58	247
Hens				248
Chicks		186	211	
		1,256	1,301	

Besides the above, 3,443 eggs were sold for table purposes.

The amount allotted for the Telinkheri farm out of the Government of India's grant was fully utilized before the commencement of the period under report

The remaining balance of Rs 266 from the sanctioned allotment of Rs 10,000 will be spent during the course of the current and the ensuing financial years

7 Provision of bulls for District Councils—In addition to one hundred and sixty-three bulls and nineteen buffalo bulls shown in the last report, forty-one bulls have been purchased during the period under report. Of these thirty-nine have been distributed to approved organisations in the province and the remaining two are awaiting distribution. The whole of the allotment will be spent by the end of the current financial year

8 Opening of a farm in the Mandla district—The construction of the central hall, quarters for the Agricultural Assistant and the implement shed has been completed during the year. No more buildings are now required for this farm. Wire fencing has been purchased for enclosing the buildings

The running expenditure of the farm is now being met from provincial revenues

A caterpillar tractor lent by the Engineering Section of the Agriculture Department ploughed an area of about forty-six acres of fallow land. With the aid of this tractor and by working Sabul and monsoon ploughs during winter rains, the cultivated area of the farm has been raised to 249 acres

Suitable bulls have been obtained for heading the breeding herd which consists of twelve cows of pure mah breed from the Rotons herd and eight Murrah buffalo cows which were purchased during the last year. The herd is making satisfactory progress. Besides being a source of supply of pure milk to the residents of Dindori town, it is expected to be a useful centre for furthering cattle breeding activities in the Tahsil. The supply of milk has now been arranged on systematic lines

A Kirloskar Kifayat Rahat and a chaff-cutter have been provided during the year. Irrigation is available from two wells and arrangements have been made to grow vegetables for Dindori village. Potato cultivation has been introduced and gave an outturn of six times the seed

Groundnut was sown in an area of 12.18 acres of Barra soil. The crop promises a fair return per acre

In the last rabi season, Pusa-52 gave the highest yield of 794 lbs per acre, followed by A 115 and AO 90, which gave 611 lbs and 582 lbs yield per acre respectively

Various types of maize were obtained from the Kashmir State with a view to find out suitable varieties for replacing the local types

Demonstrations were arranged on the farm, on the occasion of the *Phool Mela*, on the 26th and 27th of January, 1939. Lectures illustrated with magic lanterns were given on this occasion. These demonstrations were attended by thousands of people

The balance of the grant will be utilised during the current and the ensuing financial years

9 *Debt Conciliation Boards*—All the Debt Conciliation Boards financed out of the Government of India's grant have been closed and the amount has been expended in full

10 *Cinema outfit for demonstration work*—Both the cinema demonstration lorries were sent out for demonstration work during the year

Spare parts were purchased during the year at a cost of Rs 221-2-0 for these lorries. The total progressive expenditure thus amounted to Rs 19,441. The balance of Rs 559 will be utilized during the next year.

11 *Purchase of two well-boring plants*—Two bore-holes, one 6" in diameter and the other 4" in diameter, were drilled in hard black trap rock, to the depth of 116 and 77 feet respectively.

The available balance of Rs 1,055 has been earmarked for the purchase of special tools.

12 *Storage accommodation for cultivators' produce*—Construction of the three godowns in Chhattisgarh at Raipur, Bilaspur and Durg, and one at Kohli in the Nagpur district was completed during the year at a total cost of Rs 16,120. Land for the orange godown, which is to be constructed at Kalamibha, has been acquired only recently and the construction work will be completed before the end of March, 1940, at a cost of Rs 3,880. The full sanctioned allotment of Rs 20,000 will thus be utilized before the end of March, 1940.

As the Growers' Associations at Raipur and Bilaspur were already registered under the Co-operative Societies Act, business for the sale of cultivators' produce was transacted through these godowns during the last season. Some business was also done at Durg just before the rains started. The provision of these godowns enabled the members to secure better prices for their produce ranging from 4 to 10 per cent.

The godown at Kohli was also used for the storage, packing and grading of oranges which were sent to different important markets in other provinces for disposal.

13 *Travelling dispensaries*—Out of the allotment from the second grant sanctioned by the Government of India, fourteen additional travelling dispensaries have so far been started and are working satisfactorily.

14 *General*—From the second grant of Rs 6 lakhs promised by the Government of India in 1936, a sum of Rs 1,01,485 was placed at the disposal of this Government for expenditure on the schemes of cheap plan dispensaries, travelling dispensaries, welfare of aboriginal tribes and rural water supply. This amount was distributed as under—

	Rs
Cheap plan dispensaries	39,409
Travelling dispensaries	36,076
Welfare of aboriginal tribes	6,000
Rural water supply	20,000
Total	1,01,485

Programmes of works relating to the scheme for rural communications have been received from the Commissioners of Divisions and are held up for want of funds. The Government of India will be addressed in due course for funds.

NORTH-WEST FRONTIER PROVINCE

	Allotments from the Government of India's grant	Expenditure up to 30th November, 1939
	Rs.	Rs
1 Drinking water supply schemes .	88,769	59,402
2 Inter village communications .	16,126	1,300
3 Rural sanitation	29,832	3,579
4 Village irrigation channels . .	57,263	14,269
5 Village demonstration plots scheme	16,604	11,797
6 Fruit cultivation scheme .	14,695	12,687
7 Discretionary grant including grant for control of hill torrents in Dera Ismail Khan	86,906	86,906
8 Improvement of village roads	5,137	5,137
9 Anti-malarial measures	15,000	15,000
10 Marketing facilities for local industries	2,106	2,106
11 Bara irrigation	4,264	4,264
12 Industrial shop	7,500	7,500
13 Manufacture of Shora Bone Meal	18,075	18,075
Unallotted reserve	32,728	
Total	3,94,405	2,42,022

(a) No expenditure will be incurred from the second grant under the heads shown against item Nos 7-13

2 *Drinking water supplies*—During the period under report forty-six water supply schemes were sanctioned. The advent of war has resulted in a steep rise in the price of pipes amounting to 25 per cent. Consequently certain schemes are being reconsidered.

3 *Inter-village communications*—Twenty-six more schemes under this head have been sanctioned. Efforts are being made to complete the schemes before the close of the current financial year.

4 *Rural sanitation*—Sixteen more schemes under this head have been sanctioned. Efforts are being made to complete these schemes within the current financial year.

5 *Village-irrigation channels*—Forty-two more schemes under this head have been sanctioned. Efforts are being made to complete these schemes within the current financial year.

6 *Village demonstration plot scheme*—This scheme was started in March, 1938. Farming on all the sixteen plots was carried out according

to the needs of that particular locality and the improvement effected is by means of employment of improved methods of tillage, improved rotations and measures to keep down pests, multiplication of improved seeds of different crops, introduction of new paying crops, demonstrations of compost making, etc. The intention was that better methods of cultivation should be brought home to the cultivator by demonstration on his own land and under his own conditions. It cannot be said that the scheme has yet been a success.

7 *Fruit cultivation scheme*—This scheme was started in February, 1938. It is rendering every possible help to the fruit growers of this province in the way of spraying and pruning of fruit trees against insect pests and diseases, destruction of rats, picking, grading and packing of fruits, budding of the fruit plants, laying out and upkeep of orchards on modern lines. The main feature of this scheme during the year was that its working staff was divided into two units, each being supervised by a Kamdar, so as to enable it to serve simultaneously both the major fruit growing districts of this province, i.e., Mardan and Peshawar. The scheme has gained much popularity among the fruit growers.

ASSAM

	Allotments from the Government of India's grant	Expenditure upto 30th November, 1939
	Rs.	Rs.
Rural water supply	4,90,914	2,86,000
Village roads	2,36,814	1,50,000
Village sanitation	67,450	48,000
Discretionary grants for public utility	88,934	53,000
Boro irrigation	40,000	39,981
Cattle breeding	65,000	50,000
Total	9,89,112*	6,24,961

* Includes allotments from the second grant (Rs. 5 lakhs) earmarked for Assam.

2 Progress of schemes —

(a) *Rural water supply*—In the non-excluded areas 192 pucca wells and four ring wells were constructed, fifteen old wells were also cleared and renovated. Forty tube wells were sunk and reborings were found to be necessary in the case of four. The construction of eleven tanks and five bathing platforms was also completed during the period under report.

In the excluded areas eleven stone masonry tanks and sixteen pucca tanks with pipe outlets were completed. In addition to these, three wells were also constructed.

(b) *Village roads*—In the non-excluded areas 261 miles of roads and a large number of bridges and culverts were constructed, other roads were also repaired and improved. The most important of the road projects, i.e., the Jaram-Dawki road, was completed and made over to the Public Works Department for maintenance.

In the excluded areas, the construction of forty-five miles of roads and six bridges was completed.

(c) *Village sanitation*—The grant under this head was mostly used to improve or add to the existing sources of water-supply and communication. Expenditure was also incurred in certain places in clearing jungles and in purchasing materials for borehole latrines and pamphlets on health and hygiene for free distribution among the villagers with a view to improve their general and sanitary conditions.

There was no expenditure under this head in the excluded areas.

(d) *Discretionary grants for public utility*—The grants under this head besides being utilised to supplement the allotments for water-supply and village roads were spent in many places on such useful items as the construction of irrigation channels, embankments, bunds and sluice gates for the improvement of agriculture, purchase and free distribution of lemon-plants, pineapple suckers, and jhara grass seeds, and purchase and free distribution of ear loyings, spinning wheels, spars and weaving accessories, etc., to aid the growth of subsidiary occupations. Money was also spent on such useful objects as night schools, a leper colony and a maternity clinic.

In the excluded areas, expenditure was incurred in connection with the improvement of kindergarten and Lower Primary Schools and diversion of streams for wet-rice cultivation. The construction of the new building at Ayal for the manufacture of Lushai rugs was completed and a dyeing shed is under construction.

(e) *Cattle breeding*—Eighty-six bulls were purchased and distributed during the year under report. Of this number, seven died and nine were sold as being unserviceable. The total number of bulls at the end of the year was 211 distributed in groups over twenty centres in the province. Every effort is being made wherever possible to reduce the maximum maintenance allowance of Rs. 5 to Rs. 3. The total number of services performed was 4,006 during the year and 7,433 since the beginning of the scheme. There is a persistent demand for these bulls—a clear indication of their utility.

No expenditure was incurred under this head in the excluded areas but the sum of Rs. 5,600 set apart for the purpose is expected to be spent during the extended period.

The sum of Rs. 15,000 paid to the Livestock Improvement Association included in the expenditure figure for the preceding period was fully spent by the Association for the purpose for which allotments were made. Money earmarked for cattle breeding scheme is being spent departmentally.

3 *General remarks*—Progress was delayed in many cases due to a variety of causes, the most important being—

- (1) unsatisfactory weather conditions,
- (2) lack of supervision owing to insufficiency of staff,
- (3) dilatoriness of the contractors, and
- (4) difficulties about contributions

In spite of the relaxation of the original condition of local contribution, the response from the villagers in this connection was not readily forthcoming apparently because of their poverty, but whenever it came it took the form of free supply of lands and labour in most cases. There were a few cases in which the contribution was made in cash. The works have evoked a great measure of appreciation from the rural populace but signs are not wanting to indicate that their maintenance, especially of the sources of water-supply and village roads, will present a difficult problem. Some of the local authorities are already grumbling at the prospect of having to maintain them. Owing to the various difficulties experienced in the past in connection with the construction of both ring wells and tube wells and on representations made from various quarters, Government have found it necessary to leave the choice between wells and tanks to the discretion of the District Officers and their advisory committees subject to the condition that where tanks are substituted for wells adequate measures should be taken to prevent pollution of water.

ORISSA

	Allotments from the Government of India's grant	Expenditure up to 30th November, 1939
	Rs.	Rs.
(1) Village communications .	1,31,246	1,23,282
(2) Rural water supply .	3,14,921	2,27,542
(3) Village uplift	2,300	2,058
(4) Village welfare .	10,000	6,150
(5) Cattle breeding	10,000	10,000
Total	4,68,467	3,69,032

2 In Cuttack District, out of 459 communication projects 397 have been completed, 55 cancelled and 7 are in progress, and out of 991 water supply projects 614 have been completed, 132 cancelled, 108 are in progress, and 142 have not yet been taken up. The Collector reports that the communication projects do not find much popular support nor are they likely to be of lasting benefit as no provision has been made for their maintenance. The progress of work has on the whole been slow, the main reasons for which are reported to be the reluctance of the local people to offer help in the shape of money or labour and to part with the lands which are necessary for the projects.

3. In Balasore, out of 143 projects for communications, the Collector reports that 78 schemes have been completed, 25 are in progress, 8 have not yet been taken up and 37 (of which 17 were partly done) were abandoned owing to the reluctance on the part of the villagers to contribute to the schemes

Out of 415 schemes for water supply, 246 have been completed, 84 are in progress, 78 have not yet been taken up, 55 have been abandoned and one is likely to be abandoned, the villagers having taken no interest in them. A masonry well which collapsed in the course of construction was replaced by a tube well

4. In Puri, out of 97 communication projects 95 have been completed and 2 are in progress, and out of 346 water supply projects 279 have been completed and 67 are in progress

5. In Sambalpur, 286 projects for village communications and 369 for rural water supply were taken up. All the village communication projects and 346 water supply projects have so far been completed. The remaining 23 water supply projects are expected to be completed during the next hot weather. The Deputy Commissioner reports that there is still scope for water-supply projects and applications are coming in in large numbers from ryots for Government grant and adds that, as there is no Irrigation Department in this district, this part of the rural uplift scheme may be continued for some time to come, although it means considerable extra work to the officers who are required to check and measure the works and also to spur on the villagers where work is backward

6. In Ganjam, 2 communication projects, 189 water supply, and 7 village uplift schemes have been completed and 39 water supply schemes are pending completion

7. In Koraput, 70 well projects, 14 roads, 3 tanks, and 1 cistern have been completed. The Collector reports that, in spite of propaganda and encouragement, it is difficult to persuade the inhabitants to meet their share of the cost, and when they promise to give the required labour free they are inclined to prolong the period actually required for the work. Now that the beneficent activities of the fund are in evidence in the shape of visible wells, the villagers are showing a little more interest and some desire to render assistance. As elsewhere in the province, the appeal of water supply schemes is stronger than that of communications to the average villager, as tangible benefits are clearly discernible in the former, while with the quality of road work possible little difference between the existing foot paths and rural development roads is discernible. It is anticipated that the number of works in progress will evoke, if not an enthusiastic welcome from the villagers, at least a cordial reception and greater willingness to render assistance

8. The future maintenance of roads constructed out of the Rural Development Grant has been and is still a problem. The villagers concerned are mostly apathetic about their maintenance. This difficulty was anticipated even in the early stages of this experiment, and Government are now examining the question as to the best possible means of securing the maintenance of these roads

9 The village welfare centre at Dersardeul in the district of Cuttack continued to work on the lines reported last year. The expenditure during the period was Rs 2,097-1-0, the details of which are given below —

	Rs.	A.	P.
Pay of Welfare Officer	1,438	10	0
Pay of Kamdar	240	0	0
Pay of Guide	240	0	0
Allowance to Das	54	0	0
Contingencies	124	7	0
Total	2,097	1	0

The total expenditure since the inception of the work amounts to Rs 6,150. The staff remained the same in strength and personnel. The general features of the work done are given below —

(i) *Public Health and sanitation* — The village roads were cleared once a week by the villagers themselves with the aid of the members of the Gram Sevak Samiti. The soiling of open spaces was discouraged and the villagers were induced to use trench latines, as a result of which 36 trenches were dug. These trenches were filled up during the rains and vegetables were grown over them. Three tanks were cleared of weeds. One thousand and fifty feet of new roads were constructed and one well dug by the joint labour of the villagers. During an outbreak of cholera in the vicinity, people were taught preventive measures and 47 private wells were disinfected. There was no outbreak in the centre. Two wells and one pond were excavated partly by popular and partly by Government contribution. Lectures on maternity and child-welfare were delivered. Eighteen delivery cases were attended to by the *Das*. Homœopathic medicines were distributed amongst the villagers. All the villagers of Gobindpokhari were vaccinated against small-pox when there was an outbreak, and the epidemic was thus checked. Five persons were induced to open windows in their houses.

(ii) *Literacy* — Reading of newspapers and magazines was continued and a library was started. The reading club continued to work with 11 members. Literacy classes were started for adults. The number of adults made literate was 16 against 18 in the last year. During the year under report three new schools, including one school for girls, were started. Altogether there are now 7 schools with 79 pupils in all.

(iii) *Cottage industry* — Ericulture and spinning of eri-yarn were continued. Thirty-seven rearers produced 26 seers of cocoons. Eight persons including 4 women spun 6 seers of yarn. Some progress was made in the introduction of carding and spinning of cotton. Two spinning wheels for spinning wool and a loom for weaving Asmis were prepared at owners' cost. Three eri chaddars and 8 scarves were woven by one weaver. For weaving these articles special outfits were required and these were made at the cost of the weaver. Wool clipped from the local sheep was used. Ninety-seven sarrees, 36 dhoties, 52 mosquito curtains, 4 lungis, 9 napkins, 27 bedsheets and 8 mufflers were produced at Dersardeul and sold through the Welfare Officer. Weaving of fans from Kaincha grass was taken up by a woman.

(iv) *Agriculture*—The following table compares the areas under the crops and vegetables introduced last year with the areas under crops this year

Name of crop.	Area in preceding year	Area in the year under report.
	Acres	Acres.
Paddy No 2	27 00	26.6
Paddy No. 3	11 25	24 8
Paddy No 5	4 25	2 4
Badahabbhog	1 42	2 5
Daincha as green manure	11 3	11 5
Jute	2 92	4 5
Groundnut	3 22	4 5
Cotton	0 04	0 36
Kesari	2 00	Abandoned.
Potato	0 25	0 4
Onion and garlic	2 88	1 6
Winter vegetables	0 68	0 48

Brinjal and maize were grown on bar lands as in the last year The Agricultural Department supplied seeds of cotton, ginger, and sankhasaru for trial Sugarcane was tried on 0.04 acres and gave an outturn of gur valued at Rs 35 Fourteen compost pits were made Two persons reclaimed their waste lands for growing vegetables The grafts of mango and lemon numbering 40 were supplied to 8 people at cost price Seven ponds were improved by removal of silt for irrigation purposes at owner's cost

(v) *Improvement of cattle*—Forty-eight cows were served by the bull of the Utkal Co-Mangal Samiti Twenty-five calves were born, 11 male and 14 female They show distinct signs of improvement

(vi) *Village amenities*—'Puranpath' was continued Gram Sevak Samitis were organised in each village These Samitis initiated the collection of a handful of rice daily from each household in the respective villages, as a result of which 5 maunds of rice were collected As a result of the activities of these Samitis, 2 Bhagabatgharas were constructed in the villages of Dersardeuli and Sampur Eleven magic lantern lectures were given Seven new indigenous games were taught to the school boys A competition of the indigenous game of 'Du Du' was arranged by the members of the Gram Sevak Samiti Five picnic parties were organised.

(vii) *Disputes*—Instead of having one Punchayat for each village, the villages were split up into 7 convenient units each unit having a Punchayat of its own The Central Punchayat consists of 7 members having one member from each unit. The function of the Central Punchayat is to arbitrate on the inter-village disputes as well as those which cannot be decided by any unit Punchayat—Civil and criminal cases numbering 14 were settled by the Punchayats.

(viii) *Co-operative activities*—The scheme of co-operative sale of agricultural produce was repeated Eighteen persons deposited 122 maunds

and 15 seers of paddy and 37 maunds and 10 seers of Mug against an advance of Rs 230. The paddy was sold in July, 1939, at Rs 1-6-0 per maund, a rise of only one anna per maund over the harvest price. The stock of Mug was sold in December, 1939, at Rs 4-2-0 per maund, the rise over the harvest price being Rs 15 per maund. The sale proceeds realized less the advance paid were made over to the depositors.

10 *General*—One more year has passed by since the submission of the last report. An attempt was made by the Government during the year to associate the public more closely with the work of rural reconstruction by insisting that wherever possible, the local M. L. A.'s and representatives of such associations as the Harijan Sevak Sangh were consulted in regard to the choosing of sites for the construction of wells, the usefulness of the roads, and in general the adequacy of the several schemes. The apathy of the villagers, however, still remains the chief stumbling block. The number of schemes that were begun but had to be abandoned owing to the indifference and want of co-operation of the villagers is large in almost every district, although the Government have been progressively reducing the rate of contribution expected from them. This feature is by no means confined to the backward areas of the province—Cutack being just as bad as Koraput in this respect. In spite of these setbacks, however, the Provincial Government consider that this work should be carried on, in the hope that, as the years pass and more wells are dug and more roads constructed, the rural population will begin to appreciate their benefits and the indifference and non-co-operation now existing will gradually be replaced by greater enthusiasm and goodwill.

SIND

	Allotments from the Government of India's grant*	Expenditure upto 30th November, 1939
	Rs	Rs.
1 Agricultural schemes	35,000	47,667
2 Industrial schemes	21,600	16,873
3. Discretionary grants	81,400	75,041
4 Second grant	36,000	..
Total	1,74,000	1,39,581

2 *Agricultural schemes*—In recognition of the fact that pure seed is still the greatest need of agriculture in the province, the number of seed and implement depots has been increased from 18 to 33. These depots sold 18,933 maunds of pure seed of improved varieties of cotton, rice, wheat, jowari, bajra, and oil seeds and 588 improved agricultural implements. They also complied with 1,025 requisitions for the hire of implements. A new departure has been an endeavour to use the depots for propaganda purposes by exhibiting at them specimens of most of the improved seeds and implements required for the province. A beginning has also been made in the introduction of an improved poultry-breeding scheme from the funds allotted under this head.

3 *Industrial schemes*—The activities have been under the heads of rope-making, soap-making, tanning and bee-keeping

It has been decided that soap-making is mainly an urban industry and the expenditure will henceforward be met from ordinary provincial revenues. Some work is, however, still being done in the villages. During the year the Demonstrator visited Nawabshah, Hyderabad and Upper Sind Frontier districts and 30-40 persons received instructions in those districts

There is nothing particular to report in the progress of rope-making. A beginning has been made in the tanning industry by sending a local tanner to be trained at Bombay and he is now imparting instruction in the Hyderabad district. Much is hoped from the introduction of the bee-keeping industry. Hives have been imported from Travancore and the Himalayas and are being acclimatised in Karachi itself. So far the work done in the villages has been confined to demonstration, but it is hoped when the hives have been multiplied in Karachi, to distribute them to villagers.

4 *Discretionary grants*—The Government of India grant under this head is earmarked for improvement of water-supply and sanitation and hygiene, which includes paving of village streets. The most substantial progress made during the year has been in the provision of tube-wells. More than 120 such wells have been constructed or approved for construction during the year, the number being appreciable in the Hyderabad, Nawabshah, Sukkur, Thar Parkar and Larkana districts. A number of ordinary wells have also been sunk or improved. Real progress has also been made in the removal of manure outside the villages and storing it under modern agricultural methods and the results are particularly notable in the four districts of north Sind. In addition to this village streets have been levelled, and pits and depressions filled up. In some districts the villagers have begun to provide their houses with more windows and ventilators. Village medicine chests (table dispensaries) continue to increase and are to be found in all villages in the selected areas, while in Hyderabad district alone there are forty-six such chests.

DELHI

	Allotments from the Government of India's grant	Expenditure upto 30th November, 1939
	Rs	Rs
I Improvement of water supply	74,200	71,100
II Communications	11,900	11,900
III Reserve	13,900	13,900
Total	1,00,000	96,900

2 *Improvement of water supply*—In all 384 wells have been provided or repaired at a cost of Rs 71,100 roundly. The total includes two new wells and twenty-five simple tube-wells. The rights of user are not

always entirely clear, but it is understood that of the 334 wells dealt with 191 belong to land-owners and 143 to "others" (i.e., to chamars, sweepers, etc.) The available balance of the grant as a whole will be spent under this head—Rs 2,100 in the current year and Rs 1,000 in 1940-41 and 1941-42. The details are as under—

	Rs
Works completed and paid for	71,100
To be paid for in 1939-40—	
) Agricultural boring operations	500
) Wells in Najafgarh and Mahrauli zails	1,600
To be paid for in 1940-41 and 1941-42—	
Agricultural boring operations (Rs 500 per annum)	
Total	74,200

II Roads and communications—No new work has been done. The allotment and the expenditure have been adjusted in accordance with actuals.

III Deputy Commissioner's reserve—No important new work has been undertaken but works in progress have been completed. The allotment and the expenditure have been adjusted in accordance with actuals.

3 Summary—Including actual disbursements, payments due to contractors, and all sanctioned items, the progress of expenditure against the sanctioned grant of 1,00,000 is as under—

I Improvement of water supply	Rs 73,200
II Roads and communications	11,900
III Deputy Commissioner's reserve	13,900
	99,000

Owing to the prevailing scarcity cash contributions by the villagers have not been numerous or important. Contributions have been made in the shape of labour in many cases.

AJMER-MERWARA

	Allotments from the Government of India's grant.	Expenditure upto 30th November, 1939.
	Rs	Rs
1. Improvement of village roads including the construction of small bridges and culverts		41,666
2. Propaganda for the improvement of agriculture and sanitary conditions	26,250	24,890
3. Improvement of livestock and poultry	8,000	2,085
4. Discretionary grant	5,000	3,178
5. Irrigation improvement including tube wells	6,750	
6. Model villages	5,000	
7. Radio and gramophone facilities in rural areas		
	1,00,000	

2. Improvement of village roads and construction of small bridges and culverts—Further collection of boulders and stone metal was made on three miles of the Srinagar Kanpura road, one mile of the Bhina: Kekri road was metalled and one mule repaired and improved as a fair weather road. The works on these two roads afforded relief to villagers in the areas where distress is prevalent due to the failure of the crops.

A new road (about 7 furlongs in length) known as the "Hallowes Circular road" has been constructed on a contributory basis for the convenience of people visiting the large fairs held at Pushkar.

3 Propaganda for improvement of agriculture and sanitary conditions—Three agricultural assistants aided by six demonstrators toured the villages in the district. Operations included practical experiments in the following crops sown in the cultivators' own fields—

Wheat, barley, oats, linseed, lucerne, cotton, maize, bajra and jowar

Demonstrations were given in the following subjects—

- (1) Silage making, (2) preparation of bone char manure; (3) line sowing of cotton, (4) drying of cotton seeds as a preventive against pink bollworm, (5) clarification of cane juice by the activated cotton process, (6) use of improved implements including chaffcutters, (7) control of katra (hairy caterpillar) and white ants by the application of poisoned bran, and (8) destruction of field rats by poison.

The season was unfortunately unfavourable to agricultural experiments owing to the severe shortage of rain.

Three hand chaffcutters were sold. The agricultural assistants gave lectures to the villagers on the following subjects—

- (i) care and improvement of livestock,
- (ii) fruit and vegetable farming,
- (iii) rural sanitation,
- (iv) co-operation, and
- (v) social reform.

As the agricultural staff had little to do by way of agricultural propaganda owing to the failure of rains and the famine, money was saved by employing the staff on famine works.

The free supply of medicines continued to be made to villagers in the more unhealthy tracts through school teachers in whose charge 100 medicine chests were placed. Stocks of medicine were replenished as required. The system is a success.

4 Improvement of livestock and poultry—Of the three bulls of the Tharparkar and Hamana breeds maintained for breeding purposes, two are unfit. The remaining bull covered ten cows from December 1938 to July 1939. Owing to the famine and the serious fodder scarcity most of the cows have migrated, and consequently no more bulls of improved stock were purchased for breeding.

5 Discretionary grant—Two Sub-Inspectors who were engaged for conducting propaganda for better living conditions in the rural areas opened six more societies in the district thus bringing the total number

of the societies to nineteen, the object of which is to reduce wasteful expenditure on social ceremonies. This scheme has, however, been postponed owing to the famine. The difficulty for the cultivator during the present famine is to support life and it would be impertinent to lecture him on the importance of thrift. He is wasting nothing.

6 *Irrigation improvement including tube wells*—No expenditure has yet been incurred on this scheme. Government have arranged for the Geological Survey to make an enquiry during the present cold weather into the water supply and irrigation of Ajmer-Merwara.

7 *Model village*—It is proposed to build one or more villages to serve as a model to the surrounding country side in order to improve the amenities of village life, but the scheme has been postponed till after the famine. The problem of improved irrigation is being studied, without which no village in Ajmer-Merwara can flourish.

8 *Radio and gramophone facilities in rural areas*—One radio set with a battery has been purchased for propaganda work.

DOORG

	Allotments from the Government of India's grant	Expenditure upto 30th November, 1939.
	Rs	Rs
(1) Discretionary grant . . .	17,346	12,446
(2) Water supply schemes . . .	51,985	35,792
(3) Rural sanitation—Aungers . .	3,000	2,751
(4) Cattle breeding . . .	1,740	1,576
(5) Veterinary shed . . .	1,280	1,100
(6) Bee keeping . . .	3,000	3,000
(7) Village communications . . .	4,289	2,001
(8) Co-operation . . .	600	250
	<hr/>	<hr/>

2 *Discretionary Grant*—During the year under report the grant was utilised for sinking three wells in places of water scarcity and the work of four more wells is in progress. Four tanks were restored and are now in good condition. A spar-bridge across a stream in the rural area was put up and three village communications have been repaired and made fit for vehicular traffic.

3 *Water supply schemes*—Eleven tanks were restored with good result and five wells were sunk and a channel serving irrigation purposes was repaired. The work in all these cases was done to the best advantage of the rural population and the results achieved are quite satisfactory.

4 *Rural sanitation*—In all 719 bore-hole latrines were constructed out of which 645 were in rural areas and 74 within the municipalities. As a result of good propaganda work carried out by the Sanitary Department most of the work was done by the villagers on co-operative basis.

5 *Cattle breeding*—Twenty-four bull calves were bought for distribution to various co-operative credit societies and to enthusiastic cattle owners with a view to improve cattle breeding in important villages. They are being reared in a suitable farm and except the one that died the others are in good condition. Centro-cerna grass seeds worth Rs. 100

were distributed freely among the rural population with a view to improve fodder for cattle

6 *Village communications*—Five village roads were repaired and made fit for vehicular traffic. The condition of these roads is satisfactory

7 *Co-operation*—A sum of Rs 600 was re-allotted from the provision made for water supply for the construction of a building for a village Co-operative Rural Development Society on contribution basis. The work is in progress

8 It was found early this year that the limit up to which contribution can be waived was exceeded and the principle of contribution either in kind or by free labour or in money was strictly enforced. The revenue officials have experienced great difficulty in recovering the required contribution from the beneficiaries with the result that in many cases the question of reallocation was taken up in favour of schemes in which the required contribution was deposited. A number of applications from the villagers have been received during the year particularly for grants under water supply scheme. In all cases of ready contribution the schemes have been examined and kept for consideration when further sum is drawn from Government of India's grant

RULES RE DESTRUCTIVE INSECTS AND PESTS ACT

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands) Sir, I lay on the table a copy of the Department of Education, Health and Lands Notification, No F 50-13 (20)/39-A, dated the 20th November, 1940, regarding the rules framed by the Central Government under Sections 4A and 4D of the Destructive Insects and Pests Act, 1914

DEPARTMENT OF EDUCATION, HEALTH AND LANDS

NOTIFICATION

AGRICULTURE

New Delhi, the 20th November 1940

No F 50 13 (20)/39 A—In exercise of the powers conferred by sections 4A and 4D of the Destructive Insects and Pests, Act, 1914 (II of 1914), the Central Government is pleased to make, with effect from the 1st February 1941, the following rules for regulating the transport from the Punjab, the North West Frontier Province and British Baluchistan to any other Province in British India of certain articles which are likely to carry the destructive insect known as San José Scale (*Aspidiotus perniciosus*) and thereby cause infection to crops, namely—

1 In these rules, "infected Province means the Punjab the North-West Frontier Province or British Baluchistan

2 The articles to which these rules apply are—

- (a) the following plants, namely, *akik*, alder, almond, apple, apricot, beech, bhang, birch, crab apple, celtis, cherry, chestnut, currant, elm, eucalyptus, grape vine, green gage, hawthorn, lilac, mountain ash, mulberry, oak, peach, pear, persimmon, poplar, plum, quince, raspberry, rose, strawberry, walnut and willow,
- (b) the following plant materials namely, buds, cuttings, scions, grafts, bulbs, leaves, seedlings, tubers and rhizomes, of the plants specified in clause (a), and
- (c) any articles used in packing or wrapping up any of the plants and plant materials mentioned in clauses (a) and (b)

Note—These rules do not apply to the fruits of the plants mentioned in clause (a).

3 No article to which these rules apply shall be transported from an infected Province to any other Province in British India—

- (a) by means of letter or sample post or by air,
- (b) by road except by such routes as may be specified by the Government of the other Province, or
- (c) by railway or inland steam vessel unless the consignment is accompanied by a certificate in the form set forth in the Schedule annexed to these rules and signed by the authority specified therein

Schedule

This is to certify that the living plants/plant materials included in the consignment of which particulars are given below were thoroughly examined on *(date)* by *(name and designation of official)* a duly authorised official of the *(name of Department)* and that the consignment including the packing covered by this certificate has been adequately treated and fumigated with hydrocyanic acid gas immediately prior/subsequent to inspection and made free from living *San Jose Scale*

Date of examination and fumigation

Particulars of consignment

No and description of packages

Distinguishing marks

Description of living plants or plant materials

Exported by

Name and address of the consignee

Signature of certifying authority*

Designation

*Note—The above certificate should be signed—

- (a) in the Punjab, by the Entomologist, Punjab Agricultural College, Lyallpur, or such other officer as may be authorised by the Director of Agriculture, Punjab in this behalf,
- (b) in the North West Frontier Province, by the Agricultural Officer of that Province or such other officer as may be authorised by the Provincial Government in this behalf, and
- (c) in British Baluchistan, by the Agricultural Officer, Baluchistan, or such other officer as may be authorised by the Chief Commissioner in this behalf

G S BOZMAN,

Joint Secy to the Govt of India

THE INSURANCE DEPOSITS (TEMPORARY REDUCTION) BILL.

Mr. President (The Honourable Sir Abdur Rahim) The House will now resume consideration of the following motion moved by the Honourable Dewan Bahadur Sir A Ramaswami Mudaliar on Tuesday, the 11th February, 1941, namely

"That the Bill to provide for the reduction temporarily of the amounts payable as instalments of the sum to be deposited by an insurer under section 7 of the Insurance Act, 1938, be taken into consideration."

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) Sir, I find that this Bill attempts to be beneficial to the insurers, and, from that point of view, to give them help at this time of war is creditable to the Honourable the Commerce Member. But the benefits of its provisions are res-

tricted to those insurance companies which have their premium income at less than Rs 30,000. And clause 5 withdraws the benefit from those companies whose premium income exceeds Rs 30,000. With regard to this, the Federation of Indian Insurance Companies sent a representation to the Commerce Member and also to the Honourable Members of the House. They have laid down three conditions under which the benefit should be extended to these companies, as, otherwise, they say, adequate relief is not given to the insurance companies, and these insurance companies, called the younger insurance companies, are not such as to be restricted to those which have a premium income of Rs 30,000 or less. I have put in certain amendments, and, in a House constituted like this, it is only right that the Honourable the Commerce Member should consider them and see if he can help these companies. Unless the Government are inclined to help those companies on whose behalf requests are being made, there will be no improvement in their position and these amendments cannot be passed. Therefore, I appeal to the Honourable the Commerce Member to consider this representation and see if he cannot extend these advantages to these life insurance companies.

First they say that it should apply to those companies that have been working for ten years.

Mr. President (The Honourable Sir Abdur Rahim) There are the amendments to clauses sent in by the Honourable Member. I think the Honourable Member ought to reserve his remarks till then.

Mr. Lalchand Navalrai: I say there will be no hope for these companies, and I am putting my case.

Mr. President (The Honourable Sir Abdur Rahim) I think the Honourable Member had better wait till then.

Mr. Lalchand Navalrai: Anyway, these are the general demands I am making. I am saying that it should be extended either to those companies that have been working for over ten years or that have got a premium income of Rs 50,000 or under.

Mr. President (The Honourable Sir Abdur Rahim) That is really a specific amendment to a specific clause.

Mr. Lalchand Navalrai: Therefore, I will not take more time. I am only asking the Honourable the Commerce Member to consider at least the representation they have made—it is in his hands—and give them any relief if it can possibly be given.

Mr. T. Chapman-Mortimer (Bengal European) Sir, among the more important provisions of the Insurance Act of 1938 are those contained in section 7 of that Act, where there are set out the amounts payable by insurers by way of deposit. The Bill now before the House seeks to modify, in certain circumstances, section 7. It is now provided that an insurer shall be deemed to have complied with the provisions of this section if he has paid or if he pays in accordance with the provisions of this new Bill, one-half or an amount equal to not less than one-half of the total amount that he would have been required to pay under section 7 of the Insurance Act of 1938.

[Mr T Chapman-Mortimer]

As Honourable Members know, the imposition of deposits on insurers is one of the safeguards to protect the public from financially unsound companies. During the last three decades there have been numerous cases where companies started with insufficient capital or upon an unsound financial basis have failed or at all events have not been able to honour all their obligations. The tendency towards the growth of such companies had by 1937 reached such proportions as to amount almost to a menace not only to the good name of insurers as a whole, but to the insuring public. Thousands of persons have in the past lost their money as a result of the operations of these unsound companies. The Government of India in order to meet this situation originally proposed even more onerous conditions than those now set out in section 7. But under pressure from this House and having regard to the real hardship that might result in certain cases, they made an important concession, and the then Leader of the House, Sir Nripendra Sircar, accepted the proposals as now set out in section 7 (3). As Honourable Members are aware, this section provides *inter alia* that for small insurers carrying on life insurance business only, these may be able to pay their deposits over a period of ten years, provided that the first deposit shall amount to not less than one-fourth of the total. In the Statement of Objects and Reasons there are set out the reasons for the proposed new concession to these small insurers. I believe that these proposals were pressed upon Government by many of the smaller companies but we believe that the representatives of all the larger companies also supported them. In these circumstances it would perhaps be unreasonable for any Member of this House to oppose the Bill. At the same time Honourable Members of this House have other duties to perform besides the duty, in some cases, of representing the views of vested interests, however important those vested interests may be. This Bill is one that concerns not insurers only but the general public, and we, therefore, have to consider it rather from the point of view of the general public and not merely, alone, from the point of view of the insurers. Nothing could be more fatal to the healthy growth of insurance in this country, especially of life assurance, if, directly or indirectly, encouragement were given to mushroom companies. It is therefore, in that light that we have to consider these proposals.

Fortunately, we have to thank the far-sighted policy of Sir Nripendra Sircar for many of the safeguards contained in the 1938 Act, the presence of which may be held to justify the modifications now proposed. I have no doubt at all in my own mind that the Honourable the Commerce Member himself is satisfied that, with the safeguards he has at the hand of Government in the 1938 Act, he can amply justify the concessions now proposed to be made and the more lenient treatment that he seeks to give to the young proprietary life insurance companies. I am sure that he too appreciates the possible dangers that may be inherent in any measure of this kind of which unscrupulous persons might take advantage. In fact, in the Statement of Objects and Reasons, the Commerce Member quite definitely justifies the case for the new Bill on the conditions arising out of the present war. Though in recent weeks I believe there has been some improvement in the outlook for life insurance business, there can be no doubt at all that as a direct result of the war there has been a serious falling away of business and also a considerable numbers of cases where policies have

been allowed to lapse. This in itself was a tendency that was bound adversely to affect especially the smaller and the weaker companies, however well-managed those companies might be. But a further serious difficulty presented itself before these young offices. That particular difficulty arose out of the very low rates at which Government can now borrow and the very low yield that can be obtained on Government and other trustee securities,—far lower in fact than had seemed possible when the Insurance Act of 1938 was originally passed. While, therefore, there is still always that danger of allowing undue growth in weak insurance companies who might be a menace to the public, we have at the same time to recognise, as Government clearly do recognise, that a much greater danger might be the putting into liquidation of weak companies, otherwise well-managed, and pursuing a careful financial policy, as a result of conditions that we hope will in future pass away. It has already been accepted that these deposits fulfil a decidedly useful purpose, and the insurers are now compelled by law to make quite substantial deposits. Circumstances however alter cases. The circumstances today are vastly different from those that obtained at the time when this Act of 1938 was piloted through the House by Sir Nripendra Nath Sircar, and in view of these circumstances, it is, in our opinion, right and proper that in the best interests of insurance, and, may I say, of the general public who have taken out policies of life insurance, that some help should be given to the young proprietary life companies at this time. Under the Insurance Act of 1938 the Government have taken upon themselves ample power, both legislative and administrative, to deal with bad cases, and especially the cases of companies that are working on thoroughly unsound lines. We hope, Sir, that the Honourable the Commerce Member will give his assurance to the House that in adopting a policy of more lenient treatment in regard to deposits, he has no intention whatever of relaxing the much more stringent control he can exercise in other directions. Sir, I support the Bill.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa Muhammadan). Sir, I do not wish to take much time of the House, but I merely want to say a few words in connection with the object for which this Bill has been brought forward. This measure may be in the interests of the shareholders or of the smaller companies themselves, as my friend, Mr. Chapman-Mortimer, just pointed out, but it cannot be in the interest of the insured in this country, for we have to consider, in connection with this measure, whether it is in the interest of this country to have a number of small mushroom insurance companies with weak financial backing or a few big solid companies with strong financial background. If a company requires some relief by way of suspension of its deposits or some other concession for depositing its security money, then I think such a company has no right to exist, because, in that case, such companies may, by means of false propaganda, induce the innocent unwary public to insure their lives with them, and bring the insured into trouble later on. The fact that a company is not able to deposit the security amount or that it requires some concessions in making the deposit only indicates that it is not able to meet its commitments. I think, Sir, when the Bill was passed in 1938, every possible precaution was taken to see that the security demanded from these companies was not unduly heavy, so that it might kill the enterprise. Now the plea urged for granting this concession is the existence of the war, and I think that in itself is an argument that there should be no suspension.

[Mr Muhammad Nauman]

because probably, as a result of the war, at least some of the life insurance companies might be compelled to pay out more money on account of deaths in fields, than in ordinary times. Even in regard to fire insurance companies, they too might be called upon to meet a larger number of claims as a result of the war conditions now prevailing than in normal times. So I feel, and this is the view held by a large majority in the commercial world, that this suspension which is now sought to be given to young insurance companies would only encourage small and third class insurance companies to do what they like with public life and with public money. On principle, Sir, I refuse to accept the principles underlying this measure, and I oppose it tooth and nail. I feel it is absolutely wrong to give this concession to insurance companies, because this concession will be given to them at the cost of the entire public who will make their commitments by insuring with these companies. Although I know that we have a weak opposition on this side and the Honourable the Commerce Member can pass any measure that he wants to, yet I personally feel—and I did have certain consultations with commercial people of Calcutta who are also of my way of thinking,—that this measure is not at all in the interests of this country. It may be in the interests of a few people who are shareholders and directors of the companies, but certainly this concession is not in the interests of the people at large in this country. If it were possible, I would say that we should have a measure which would demand more securities from insurance companies rather than give this concession. With these few remarks, Sir, I oppose this Bill.

Dr. P. N. Banerjee (Calcutta Suburbs Non-Muhammadan Urban). Sir, I had no intention to take part in this debate but the remarks which have fallen from my Honourable friend, Mr Nauman, make it incumbent upon me to say a few words. My friend says that it may be in the interests of the shareholders to have this leniency but that it is not in the interests of the insured or the general public. Sir, he is entirely wrong. It is in the interests of public generally that some leniency should be shown to the insurance companies. If these small and young companies are forced to go into liquidation, who will suffer? The insured and the general public as well. Then my friend says that there is opposition in commercial circles in Bengal. That is only a partial view of things. He himself may be opposed, but the general public is not opposed to this Bill. In fact, this Bill is one which looks very sympathetically at the difficulties of insurance companies. Insurance companies are now earning a very small rate of dividend, and to give them some relief is not only necessary but fully justifiable. My friend refers to fire insurance companies and other companies. This measure does not affect those companies. It affects only the life insurance companies.

Sir, I wholeheartedly support the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour). Mr President, I personally welcome this debate, particularly as two very conflicting views have been expressed on this subject. I might echo the words of a very famous gentleman who said that much may be said on both sides. I can assure my friend, Mr Nauman, and others of his way of thinking that the interest of the insured, what he calls the public, was very much in my mind when I

decided that this Bill should be introduced in this House. I think my friend, Mr Chapman-Mortimer, took a more impartial view of the whole question when he put before the House both the point of view of the public and the point of view of these young life insurance companies. This Bill does not in any way attempt to go back on the very salient principles that were laid down by my predecessor, Sir Nripendra Nath Sircar, when he introduced and passed the main Insurance Bill through this House. My friend, Mr Nauman, referred to fire insurance and other companies. May I remind him

Mr. Muhammad Nauman: That was only by the way.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: May I remind him that the position of fire insurance companies at the present time is perhaps exactly the reverse of the position of life insurance companies. With conditions created by the war, while they may be helpful to fire insurance companies, they are certainly not helpful to life insurance companies, and they have in fact detracted much of their business.

At a conference which I held some time towards the end of last year, the insurance companies, both big and small, both the young and the old, were unanimous in their conclusion that some relief must be given to the young life insurance companies. But I want to assure the House that it was not merely the representation of the insurance companies that weighed with me or with the Commerce Department in coming forward with this Bill. Mr Chapman Mortimer and Dr Banerjee have both referred to another aspect of the question. We know that at the present moment life insurance companies are not doing so well as before the war. I am glad to have the assurance that within the last few weeks business is looking up and I hope that it will go on improving, but it was brought home to us that the business of these companies had fallen. And what was the consequence? They were not able to pay the deposit due from them under the Act. If they did not pay these deposits the Superintendent of Insurance has the statutory obligation laid upon him to cancel the registration of those companies. A cancellation of registration would inevitably be followed up by winding up proceedings and liquidation of those companies. I ask Mr Nauman, who would ultimately suffer by these liquidation proceedings? The gentlemen or ladies who have insured in these companies, will be the most to suffer from those liquidation proceedings and, therefore, are the persons that will be benefited by any concession, as suggested by this Bill, being granted to these companies. It is not purely in the interests of life insurance companies that this concession is being granted. It is as much in the interests of the policyholders of these companies that this concession is being granted. At the same time, Government have taken into consideration the interests of the policyholders and that is the reason why they have hedged this concession with conditions which appear in clause 5 of the Bill. The amount that they get by way of premium and renewal premium incomes, the conditions under which they can grant bonuses, the expenditure that they can incur during this time,—all these have been made conditions before this concession can be granted to these companies. It seems to me, therefore, that on the whole, both sides of the question have been taken into consideration and Government are justified in coming forward with this Bill and giving this concession.

A very important question was raised by my Honourable friend, Mr Chapman-Mortimer, relating to the present condition of Government

[Diwan Bahadur Sir A. Ramaswami Mudaliar]

securities and the low rate of interest that is earned. I am very much concerned about that question from the point of view of life insurance companies. Whether young or old, they are faced with a problem. Insurance premia have been fixed at a time when interest rates were very much higher than they are now, and it seems to me that that is a problem which requires serious consideration both on the part of the insurance companies and on the part of the Government, and the solution cannot always be on the lines that are so easily suggested by insurance companies, namely, release of their obligations under section 27 of the Insurance Act. That is not the real solution so far as I can see. There are other solutions which must be thought of and I can only say at this stage that Government are actively considering, and I hope the insurance companies also will consider, what solution can be suggested for this state of affairs.

Deposits are going to be reduced by half, from Rs. 16,667 these young companies will pay only half that amount for the period of the war and one year thereafter, that is to say, while conditions which are now prevailing continue to prevail. They will pay from the amounts that they collect by way of renewal premiums and original premiums.

That is all I have to say at this stage. If my Honourable friend, Mr. Lalchand Navalrai, still wants to move his amendments I shall then make my observations, but I trust that in the light of all the speeches that have already been made he will realise that a much more effective answer will probably come from those who sit alongside of him than even from me.

Mr. Lalchand Navalrai: I only want to put one question to the Honourable Member. How does he arrive at the figure of Rs. 30,000 in the case of these younger companies? Why should it not be Rs. 50,000?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The amount of Rs. 30,000 has been worked out very carefully and is on the generous side. The deposit that has to be made by instalments is, as I said, Rs. 16,667. They are required to pay only half that deposit amount, that is Rs. 8,000 odd. If they get a premium income of Rs. 30,000, then, according to these younger companies, they normally provide not more than 25 per cent of their premium income, and very often not more than 20 per cent of that income, for expenditure. If you take out 20 per cent of that income of Rs. 30,000, that is, Rs. 6,000 for expenditure, and about Rs. 8,000 for the deposit, that makes Rs. 14,000. They have got a comfortable balance of still Rs. 16,000 from which they can pay whatever claims mature and meet other incidental expenses. That is why the amount of Rs. 30,000 has been arrived at.

Mr. T. Chapman-Mortimer: I did not want to interrupt the Honourable the Commerce Member while he was speaking, but he referred twice to the fact that certain insurers were unable to pay their premiums—I take it he meant the instalments on their deposits?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I meant deposits under section 7.

Mr. President (The Honourable Sir Abdur Rahim) The question is—

“That the Bill to provide for the reduction temporarily of the amounts payable as instalments of the sum to be deposited by an insurer under section 7 of the Insurance Act, 1938, be taken into consideration.”

The motion was adopted.

- Clauses 3 and 4 were added to the Bill
- Clause 5 was added to the Bill
- Clauses 6, 7 and 8 were added to the Bill
- Clauses 2 and 1 were added to the Bill
- The Title and the Preamble were added to the Bill

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I move

"That the Bill be passed"

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That the Bill be passed"

The motion was adopted

MOTION RE DOCUMENTS RELATING TO THE INDO-CEYLON CONVERSATIONS

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands) Sir, I move

"That the documents relating to the Indo Ceylon conversations, which were laid on the table of this House on the 11th February, 1941, be taken into consideration"

Honourable Members will recall that the talks to which these papers refer were intended to be "entirely informal and exploratory" in character. The object in view and the hope entertained when the talks were inaugurated were that by this means a basis would be found for formal negotiations at a later date on all problems of common interest requiring adjustment between India and Ceylon. Representatives from the two countries accordingly met in New Delhi on five occasions in the earliest part of November. The course of the talks is apparent from the papers that have been laid before the House. The plain fact is that the negotiations broke down at the first hurdle—the question of the status of Indians in Ceylon. The House will appreciate that this involved matters of principle on which the representatives of the Government of India neither could nor in fact did concede any ground.

These papers which are before the House were presented on the 11th of this month. On the same day, similar papers were presented in the State Council of Ceylon. Honourable Members will have seen, however, that something else took place on that day in the State Council in Ceylon. His Excellency the Governor of Ceylon took the opportunity in a message to the State Council to remind that body of the existence of certain undertakings given in the past by and on behalf of Ceylon. I regret that we have not yet received from our Agent in Ceylon the reply to our request for the exact text of His Excellency's message, but from Press reports it is clear that His Excellency gave a list of the undertakings by which he conceived the Government of Ceylon were bound and he went on to state that he had held himself bound as Governor to withhold approval, ratification or assent in respect of any Act, Regulation or measure to which the Government of India did not agree and the effect of which would be to deprive Indians of the benefit of any of the undertakings—I should make it clear that I am quoting from a News Agency report—I venture to think that His Excellency the Governor's reminder will be regarded as timely and reassuring by Indians in Ceylon and elsewhere and we must hope that as a sequel better counsels will prevail. Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Motion moved

"That the documents relating to the Indo Ceylon conversations, which were laid on the table of this House on the 11th February, 1941, be taken into consideration"

The Chair has received notice of an amendment to this motion from Sir Raza Ali. This amendment has perhaps been circulated to all the Members

Sir Syed Raza Ali (Cities of the United Provinces Muhammadan Urban) Yes and the Government

Mr. President (The Honourable Sir Abdur Rahim) Is there any objection to the requirement of the Standing Order being waived?

The Honourable Sir Girja Shankar Bajpai (Member for Education, Health and Lands) There is no objection to the Standing Order being waived, so far as we are concerned

Mr. President (The Honourable Sir Abdur Rahim) I will allow the Honourable Member to move it

Sir Syed Raza Ali: Sir, I beg to move

"That the following words be added at the end of the motion moved by my Honourable friend, Mr Tyson

'And this Assembly regrets the failure of the Indo Ceylon conversations as revealed in the verbatim report and supports the attitude adopted by the representatives of the Government of India which faithfully represents the point of view of Indian public opinion, and while recognising the desire of the Ceylon State Council to maintain its independence of action, appreciates the message sent by the Governor of Ceylon to that body with respect to the undertakings given by His Majesty's Government and by the Government of Ceylon to the Government of India and expresses the hope that it will serve to emphasize the importance, particularly, under present circumstances, of nothing being done by the Government and people of Ceylon which will endanger the good relations which should exist between the two countries whose interests are so intimately bound together"

The question that is before this House is of very great importance to this country. Papers have been circulated and those papers reveal the character of the conversations that were held in November last between the representatives of the Government of Ceylon and the representatives of the Government of India. While emphasizing the importance of these negotiations I would draw the attention of this House to the important fact that countries within the British Commonwealth of Nations seem to have hit upon a particular plan in dealing with Indian settlers in those countries. Let me make it quite clear that the plan which, on the whole, seems to have been adopted is this. When a country finds that Indians who in time past rendered very great services to the country in which they have become settled are not quite so useful to that country as they were in the past, an effort is made to subject Indian settlers to political disabilities.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member ought to confine himself to the Resolution, that is, the relations between Ceylon and India, and not travel outside

Sir Syed Raza Ali: I do not think I am travelling . . .

Mr. President (The Honourable Sir Abdur Rahim) The Chair is just suggesting that to the Honourable Member

Sir Syed Raza Ali: As a matter of fact, the political status of our people in Ceylon is the pivot on which everything else hinges and that is the reason why I was referring to that question. In fact, as the House knows

Mr. President (The Honourable Sir Abdur Rahim) We are not concerned with any other countries within the Commonwealth. We are now concerned with Ceylon.

Sir Syed Raza Ali: I am just illustrating what treatment we get.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member must confine himself to the terms of the Resolution before the House.

Sir Syed Raza Ali: I believe I have 30 minutes at my disposal.

Mr. President (The Honourable Sir Abdur Rahim) There is no time limit, but the Honourable Member will consider the desire of other Members also to take part in the debate.

Sir Syed Raza Ali: I place myself entirely in your hands. My position

Mr. President (The Honourable Sir Abdur Rahim) The Chair is not trying to impose any time limit. It is only pointing out that the Honourable Member's remarks must be relevant and confined to the motion before the House. That is all.

Sir Syed Raza Ali: We find that the Government of Ceylon has started the present campaign by subjecting Indians to political disadvantages. Very briefly I will refer to a few facts which would go to show, on the one hand that there has been a consistent course of conduct on the part of the Ceylon Government imposing political disabilities on Indian settlers in Ceylon and, on the other hand, that the action taken in this matter by His Excellency the Governor of Ceylon is perfectly justified. In the first place, I will briefly refer this House to a certain Ordinance that was passed by the Ceylon State Council. That Ordinance is known by the name of "the Village Communities Ordinance." Now this Ordinance was passed in 1938. The object of the Ordinance was to take away the right of the vote from all labourers resident on estates. I must say, in fairness to the Ceylon Government, that it made no distinction between the Ceylonese and the Indians, it took away the right of the vote from all labourers resident on estates. But it was not such an innocent legislative measure as it appeared to be on the face of it. The real object was to disfranchise a very large number of Indian labourers working on estates. The number of Ceylonese labourers involved was very small indeed, it was only a fraction of the total number of labourers resident on the estates. That is why the Ceylon Government took away this right. As a matter of fact even this uniformity was introduced after the Ordinance as originally passed had been reserved for the signification of His Majesty's pleasure. The net result of this is that a very large number of Indians have been deprived of the right of vote.

[Sir Sved Raza Ali]

Now, the second measure, the aim of which was to bring about not only a political but also an economic strangulation of our people had a far-reaching effect. This second measure was the Fisheries Ordinance that was published on the 19th May, 1939. The real point involved was this—I do not want to go into details—that the right to fish for profit was confined only to the Ceylonese, and the definition of “Ceylonese” as incorporated in that Ordinance was “Ceylonese was a person domiciled in Ceylon and possessing a Ceylon domicile of origin”. The important point is that the right was limited to those Ceylonese who had a domicile of origin in Ceylon. Now, as the House knows, there is a very large number of Indians in Ceylon who do not have the domicile of origin in Ceylon but who are Ceylonese by virtue of having a domicile of choice in that country. Indeed this entire class was excluded by the operation of this clause. This led naturally to a great controversy, and I must say that the Government of India and their Agent did what they could to bring about the amendment of the Bill. The Bill was reserved for the signification of His Majesty's pleasure but, since then, I am sorry to say that the Bill has been passed. No doubt an undertaking has been given by the Minister concerned in the State Council that in granting certificates, without which nobody can exercise the right of fishing for profit, care will be taken that the provisions of the Bill do not work unduly harshly against Indians. But, Sir, this is only a statement from a Minister. I may say at once that I am not one of those who are prepared to take the statement of a Minister at its face value when political passions are aroused against the Indian settlers in a particular country. I know what has happened in other parts of the British Commonwealth. Therefore, let me suggest to the Government of India that they should not attach undue importance to these statements made in the Legislature unless those statements find a place in the Statute-book itself. We know what has happened to our countrymen in India itself—how they have suffered in spite of certain assurances given in one Chamber or another.

Now I may, in passing, also refer to the Destitute Immigrants Regulation Amendment Ordinance that was passed in 1937 by the State Council of Ceylon. In this connection I would also refer to the attempts made to evict Indian cultivators from the Portwood Gardens in Kandapola. I am glad that, as a result of the efforts made by the Government of India, that proposal to evict Indian agriculturists was dropped. Be that as it may, the point is that the Government of Ceylon, during the past four or five years, have, unfortunately, been doing their level best to impose political and economic disabilities upon our people domiciled in Ceylon. I may also refer to the present state of feeling obtaining in Ceylon as described in the report of the Government of India's Agent in Ceylon at page 26, I do not think I should read that because that would take some time. I am referring to the Agent's Report for 1939, which is the last report available from that officer. Now, Sir, all these things go to show that the state of affairs in Ceylon is very unsatisfactory indeed, and it is the duty of the people of this country and of the Government of India to be quite alert and not to allow themselves to be a party to any seemingly innocent proposal which would surely be worked in the long run to the detriment of our people.

Now, coming to the conversations themselves, the House knows that they broke down because the Ceylonese Government delegates were unable

to agree to anything with regard to the political status of our people in Ceylon. I must say that we appreciate the attitude of the representatives of the Government of India in taking up the attitude which they did. The attitude of the representatives of the Government of India was moderate and reasonable. In fact, had the conversations developed and had a full discussion on some of the remaining points taken place, we would have been in a better position to judge as to what the attitude of the Government of India on these points was. But I sincerely hope that when the stage comes for a fuller discussion of the remaining points, if that stage ever arrives, the Government of India will realise that whereas the representatives of the Ceylon Government are the representatives both of the Government and of the people, the representatives of the Government of India are only the representatives of their Government and not of the people. What I mean is that there is all the greater need for dealing with the Ceylonese delegates boldly and courageously. In fact I may say that I am surprised at the attitude of the Government of India who did not think it worth-while to invite one or two representatives either of this Chamber or of the people in this country to be associated with themselves in the conduct of these negotiations. Taking the position as it is in India and having regard to the fact that whereas our representatives are permanent officials, the Government of Ceylon is represented by not only the representatives of the Government but also by the representatives of the people, the Government of India should not take this matter lightly but they should take the advantage of the co-operation of non-official element. The biggest Conference that has been held on the question of Indians overseas was at Cape Town in 1927. While we know that the Leader of that Delegation was a distinguished Member of the Government of India, my friend, Sir Muhammad Habibullah, a number of non-officials were invited by the Government to be full members of that Delegation and they helped the Government of India throughout those negotiations. How they performed their duty, is a matter of common knowledge and I do not think it is necessary for me to say anything about that. After all, things have changed very considerably since 1927. We know that whereas for many years the Leader of the Indian Delegation to the League of Nations used to be an official, a non-official was appointed to lead the Delegation four or five years ago. I do hope that the Government of India, when the time comes, will not go to sleep over the question of inviting the co-operation of non-official element.

Now, I must say that great credit is due to the Governor of Ceylon for having sent the message, a portion of which was quoted by my Honourable friend, Mr. Tyson. My own view is that the Governor of Ceylon did no more than his duty in sending that message to the State Council, reminding the Council and the Ministers of the undertaking which had been given by the Ceylonese Government to the Government of India and in some cases even by His Majesty's Government. In fact, had His Excellency not sent this message, I am afraid he would perhaps have failed to do his duty. I must add that I have no desire whatsoever to detract from the merit of the action taken by the Governor. The most difficult thing in this world, one finds, is to do one's duty. At times that becomes exceedingly difficult indeed and I think the action of His Excellency the Governor of Ceylon in sending that message will be appreciated not only in this House or in India alone but it will be appreciated by all those people who care even today for justice and fairplay.

[Sir Sved Raza Ali]

One thing more and I have done. It seems outwardly that these negotiations broke down on the question of the consideration of our countrymen's political status in Ceylon. But so far as I can see, while this is perfectly true, it is sad to find that the Government of Ceylon has in the meantime been endeavouring to impose economic disabilities on our people. I believe this House will be interested to know that there is a proposal today before the Council of Ministers in Ceylon for establishing a Government monopoly in rice trade. It is proposed that this trade, which up till now, has been carried on by the Indians in Ceylon should be taken over by the Ceylonese Government and a monopoly of rice trade should be established by that Government. One would be at a loss to find any reasons good, bad or indifferent to justify that departure from a long established policy. I do not think it is necessary for me to dwell on that point but I think it is a very important matter and I must put it before this House to show as to what seems to be the real object of this move. The real object I think is this. Unfortunately, we are in the midst of a catastrophic war and if the Government of a country is so inclined, it can do many a thing now when the war is going on which it would not be able to do in normal times. Therefore, it is alleged that in order to ensure the food supply of the people, the Government of Ceylon should take over this rice trade. Now, one is unable to understand this attitude and one can find no reason why Government should contemplate this action. I have got articles that have appeared in the Ceylonese press. I do not want to tire out this House by reading them out. The real object is all too clear. The proposal to establish a Government monopoly in rice is the thin end of the wedge. When the war comes to an end, it is obvious that the Government monopoly would be entrusted to a syndicate set up in Ceylon. The object is that those Indians who are engaged in carrying on this huge trade which runs into crores of rupees should be deprived of the trade and that it should ultimately be carried on by the Ceylonese people themselves. They are introducing the Government simply as a cloak. The real object is to take away this important trade from the hands of Indians. Therefore, I think while we appreciate the attitude of the Government of India, as revealed in the reports that have been circulated to us and the manner in which they have stood up for the rights of the people, I hope they will realise that they should not relax their efforts but keep a careful watch over all that is happening in Ceylon. It may be, Sir, that appeals will be made to their sense of sweet reasonableness, they will be asked to come to terms at this juncture when the Commonwealth is involved in a life and death struggle with a ruthless enemy. All I can say is, that as the amendment suggests while we should not do anything to disturb the harmonious relations between any two countries of the British Commonwealth, we must make it clear that it is not our duty alone to work for harmony, but it is equally the duty of the Government of Ceylon not to create unpleasantness and trouble between India and Ceylon.

Before I sit down, let me point out that the writings that appeared in the Ceylon press and the speeches that were made by certain Ceylon Ministers leave not much doubt that whereas there is very little anti-Indian feeling in Ceylon, interested persons want to take advantage of the present position by enacting anti-Indian legislation both in political and economic fields. That impression is supported by a number of speeches and writings. I hope, Sir, that this debate will serve a useful purpose. It will

remind the people of Ceylon that it is not only the Government of India that very rightly stands up for the rights of the people of this country, but that this House, representing the people of this country will always give its unqualified support to such action as the Government of India may take to safeguard the rights of our people settled overseas, not only that, but that this House urges upon the Government of India not to relax their efforts and not to be a party to any concession whatsoever which is likely to be exploited by the Government of Ceylon in the future to the detriment of our people. Sir, I move the amendment.

Mr. President (The Honourable Sir Abdur Rahim) The original motion was

"That the documents relating to the Indo Ceylon conversations, which were laid on the table of this House on the 11th February, 1941, be taken into consideration."

To this an amendment has been moved

"And this Assembly regrets the failure of the Indo Ceylon conversations as revealed in the verbatim report and supports the attitude adopted by the representatives of the Government of India which faithfully represents the point of view of Indian public opinion, and while recognising the desire of the Ceylon State Council to maintain its independence of action, appreciates the message sent by the Governor of Ceylon to that body with respect to the undertakings given by His Majesty's Government and by the Government of Ceylon to the Government of India and expresses the hope that it will serve to emphasize the importance particularly under present circumstances of nothing being done by the Government and the people of Ceylon which will endanger the good relations which should exist between the two countries whose interests are so intimately bound together."

Dr P. N. Banerjee (Calcutta Suburbs Non-Muhammadian Urban) Sir, I rise to support this amendment. I will not go into the history of the relations between India and Ceylon at the present moment, but it will suffice for me to say that the present position of Ceylon has been built up very largely by the efforts of Indian emigrants. What has India obtained in return? Political and economic disabilities. Is this right? The attitude taken up by the Ceylon delegation at the conference which took place a few weeks ago was most unreasonable. They insisted on certain restrictions being imposed upon the immigration of Indians into Ceylon and they also insisted that the present disabilities should continue. I am glad that the Government of India on this occasion stood by India and the Government of India and the Honourable Sir Girdja Shankar Bajpai owe our best thanks for the determined and firm stand they took up on this occasion. Sir, in the past we have very often complained of the attitude taken up by the Government of India in regard to questions relating to other Colonies and Dominions. We have criticised the Government of India for their failure to do their duty by India, but a better state of things has commenced now and I hope that the Government of India in future will be as strong and as firm as they have been in regard to the negotiations between India and Ceylon. Sir, we appreciate also the attitude which has been taken up by the Governor of Ceylon who sent a message to the Ceylon State Council some portions of which were read out by my Honourable friend, Mr Tyson. He said

"I hold myself bound as the Governor to withhold approval, ratification or assent in respect of any Act, the effect of which would be to deprive Indians of the benefit of any of the undertakings."

This is all very good. It has been said that the Governor of Ceylon did nothing more than his duty. In these days the performance of duty

[Dr P N Baneijea]

deserves thanks and our best thanks are due to the Governor for taking up this stand. Sir, my Honourable friend, Sir Raza Ali, expressed surprise that the Government of India did not think fit to take some representatives of this Assembly into confidence at the time of the negotiations. The negotiations are not yet finished. I believe there will be further negotiations because the interests of India and Ceylon are intertwined and when these negotiations take place again I hope the Honourable Sir Ginja Shankar Bappai will think fit to associate with him some representatives of this Assembly as his colleagues. Sir, let us hope and trust that the people of Ceylon and their representatives, the Ministers, will take a wider view of the position and will, in future, come to a better understanding between them and ourselves.

Mr. F. E. James (Madras European) Sir, I desire to support the motion that has been moved by my Honourable friend, Sir Raza Ali. The dominant feeling that is left in my own mind after a perusal of the documents which have been placed on the table of the House is one of profound regret at the whole business. These conversations that were held were not formal. The talks had not reached a stage at which formal negotiations could be undertaken. They were held for the purpose of exploring the ground and one would certainly have hoped that in the course of those conversations the delegations from both Governments would have found some common measure of agreement on which they could have erected the structure of a reasonable formal agreement between the two countries. And it is surprising on the face of it that even at this stage no common basis was found. And yet, when one reads the verbatim record,—and I am exceedingly glad that the Government of India have placed that verbatim record before us,—he will realise that, judging by the attitude of the Ceylon Ministers there was never any hope of arriving at a common ground of agreement even in the earlier stages of these conversations. It is indeed most regrettable that the Ceylon ministers should have come to this country in no better frame of mind, and I should like to say that unless there is a radical alteration in the attitude of the ministers in Ceylon to the question of the important Indian minority in that island, there is no chance of any agreement being reached.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. F. E. James: Mr. Deputy President, before the House adjourned for lunch, I was making some remarks as to the attitude of the Ceylon Ministers during the course of the conversations which they had with the representatives of the Government of India, and I am bound to say that they seemed to have shown their worst side during those discussions—I use that phrase because it carries with it an implication that they have another side which I trust they will perhaps display to us on another occasion. The Government of India's attitude is, by this motion which has been placed before the House, praised and supported. I think the House may congratulate

itself upon the fact that a very strong delegation represented the Government of India in these conversations. Su Girja Shankar Bappai and Sir Ramaswami Mudaliar are both very doughty fighters when it comes to the question of the protection of the interests of Indians overseas, and Su Girja Shankar Bappai has behind him a record in this matter of which any man in this country may well be proud. Although it is true that the Government in this country is not in the technical sense responsible to the legislature, on this matter, at any rate, there is absolutely no difference between the Government and the people of the country. That has been made clear in this resolution and I hope that that observation will be well noticed in Ceylon.

Reference has been made to the action of the Governor of Ceylon. We, as legislators, admit that all legislative bodies like to have as independent a position as possible. That, no doubt, is true of the State Council in Colombo, at whose sittings I have often been present. They are not a whit behind us, Members of this House, in claiming independence for their own organ. But I must say that on this occasion it is well that the Governor has reminded them that they cannot act as though there were no other persons in the world than themselves, nor can they act as though Ceylon were not in close proximity to this country, nor can they act as though there were not in Ceylon a very important immigrant population. I am glad that the House is being asked officially to appreciate the action of the Ceylon Governor in sending his statement to the State Council. I believe that this action of his is both right and timely. Sir Andrew Caldecott is extremely popular in Ceylon, particularly among the Sinhalese population. Any one who has been to Ceylon will realise that. He is not a person who would take action of this kind unless he felt it was absolutely essential, and I am sure that it has not in any way been dictated as a result of outside pressure. This action of the Governor in regard to an important minority in the island of Ceylon carries with it a very important lesson that some communities in this country might well bear in mind. We hope in our recommendation to the House that the effect of the Governor's message will be to bring home to the Government and people of Ceylon the importance of maintaining good relations between their country and this. After all, if the situation continues to deteriorate by reason of unfettered action on the part of the Government of Ceylon, there is no knowing where it might lead us all to, it would, especially under the circumstances prevailing today be an immense tragedy if any action of a retaliatory character were thought necessary either by this Government or by the Government of Ceylon. Let the House admit quite frankly that the presence of a large immigrant population in the island of Ceylon does raise very important questions of a political and economic character, and some of us have done our best to understand and appreciate the point of view of the Ceylon Ministers. But there is no problem raised by the presence of Indians in Ceylon which is not capable of solution provided that solution is sought as a result of co-operative effort and not on the basis of extreme demands and threats. I take it that that is the attitude of the Government of India today, for in the Press Communiqué which was issued on the 11th of February the following sentence is recorded:

"The desire of the Government of India that relations between the two countries should be placed on a firm basis of friendship and co-operation has in no way diminished, and should a prospect of a resumption of negotiations with greater possibilities of success appear in the future, they will be found ready to take advantage of it."

[Mr F E James]

I am in the fortunate position of having many friends not only in this country but also in Ceylon, and I count among my friends some of the Ministers of the Ceylon Government. I cannot believe that it is beyond their power to seek a solution of these problems from a different angle than that from which they have sought it in the past. There are bound to be extremists in every party—there are in fact—but I do believe that by and large the people of Ceylon desire to live on friendly terms with those from India who have settled in that country. As far as I am concerned and as far as this Group is concerned, we have always made it clear that in the matter of the position of Indians overseas we, who live and move and have our being in this country, live and move and have our being in the friendliest relations with the people of this country,—that we feel it is our bounden duty to support to the fullest extent possible the claims of Indians overseas to just and proper treatment. I am sure that the carrying of this Resolution by the unanimous vote of this House will have the effect in bringing the Government and the people of Ceylon to a realisation that on this matter, the Government and the people of all communities in India speak with one voice and that fortunately that voice has been echoed through His Excellency the Governor of Ceylon by the Imperial Government in Britain.

Mr. Govind V. Deshmukh (Nagpur Division Non-Muhammadan)

Sir, I should like to quote a few words from the message of the Governor which was read to the State Council in Ceylon. These were his words:

"I hold myself bound as the Governor to withhold approval, ratification or assent in respect of any Act, Regulation or measure to which the Government of India did not agree and the effect of which would be to deprive Indians of the benefit of any of the undertakings."

I hope this is the constitutional position which he was explaining to the State Council of Ceylon. It was not a personal opinion of his that he was expressing, and I should like to know from the Honourable Member in charge what are the undertakings given by the Government of Ceylon and by the Government of India so that we may be watchful of the interests of our people.

I would further submit, Sir, that this Governor in expressing himself in the strong language that he used has earned, and justly earned, the approbation of this House and also the people of this Country. I wish the Governors of other colonies such as Kenya, where Indians are ill-treated would follow his example. He is not only to be praised for the action he has taken but he is also to be praised for the example he has set for other Colonies like Kenya where Indians are ill-treated and their rights are curtailed.

Sir Syed Raza Ali: What about Burma?

Mr. Govind V. Deshmukh: Burma is not a colony, it is a British possession.

Now, Sir, as I have referred to the words of the Governor in which the message was carried to the State Council, it strikes me that this constitutional position existed for a long time, and if that is so, and if such measures were put into force in Ceylon as deprived Indians of their political and economic rights, I should like to know whether they were put into force with the concurrence of the Government of India and

whether the Government of India did not consider them to be detrimental to Indian interests. This is a point which should be clarified on the floor of this House.

Then, Sir, we have been told, and we have also read about it in press, that the State Council as well as the Ministers in Ceylon have given a sort of threat to the effect that if the legislation which they propose to introduce and carry out is not supported by the Government they will resign. Well, let the Ministers remember that if they create a crisis like that, or if they think that they can hold out a threat like that, the Governor of Ceylon is not likely to be cowed down so easily as all that. It is not merely the Government of India which will support him in his actions, but the whole of this country will be behind him, and so he can very well rely upon the strong public opinion in this country for any measure he might adopt. I feel, Sir, that if the suggestion which was made by my friend, Sir Raza Ali, of associating non-officials with officials were given effect to whenever such conferences take place, it would strengthen the hands of the Government considerably as they will be having behind them solid public opinion. I hope that whenever such conferences are held, the result of those conferences will be made the subject matter of discussion in this Assembly and ratification sought before effect is given to the conclusions reached by the conference. I think it will be wise for the indigenous population of Ceylon to consider whether their attitude at this juncture is a right one to take. I do not think that the fact that the war is now on and might engulf Ceylon was absent from the mind of the Governor when this statement was made, for there is no knowing how the war will spread. Under such circumstances it would be sheer folly for the people of Ceylon to lose the sympathy of a strong nation which can supply both men as well as materials to protect them should their island be a prey of some aggressive power. I think it would be well for the Ministers in Ceylon to take wise counsel and agree to whatever advice the Governor has given them.

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions, Muhammadan Rural) Sir, we have all heard the Ceylon Governor's message. I have also seen in the *Statesman* of the 13th of this month that an adjournment motion was moved in the State Council of Ceylon over the message of the Governor. From that I shall read only a small passage.

"Sir Baron Jayatilaka stated that the Board of Ministers considered that the publication of the Governor's message was ill-timed and whether intended or not was calculated to render the task of the House in dealing with the Indian question very difficult."

Sir, I sat on the floor of this House that just as Baron Jayatilaka said that the Governor's message was ill-timed, the adjournment that was moved was absolutely ill-timed in the Ceylon Legislature, particularly at this juncture when the relations between the two countries are well-known, and such an adjournment motion cannot be characterised as anything but unfortunate. The relations between India and Ceylon though perhaps in the memory of man, are very remote. From Hindu books and literature we find that the relations of Ceylon with India were of very longstanding. In view of such longstanding relations between the two countries, I thought that the delegation which came to India would be able to remove the difficulties under which Indians were labouring there, but, unfortunately, we discovered that they possessed the mentality of a foreigner. They regard Indians as foreigners, as South Africans or

[Mr Muhammad Azhar Ali]

Canadians regard Indians. In the face of this spirit of the Ceylonese what should be our attitude? Our attitude should be, that we must retaliate if occasion arises, notwithstanding the fact that the Ceylonese may call themselves our relations. If a foreigner does a prejudicial act we resent it, but we will resent all the more such an act if our own relation does it. The result of the conference has been that thousands of rupees of India have been spent. And with what result? They came, had a talk and went away. Is the money of the Indian taxpayer to be spent like this? When they came here they ought to have come with some responsibility. I find from the Government communiqué and from the proceedings of the conference that they did not come with that sense of responsibility which Ministers should have. At page 3 I find, "from their point of view of substantially reducing the number of Indian population resident in Ceylon"—that was the aim with which they came to India. How can India yield to this aim of theirs, I cannot imagine. At least I cannot call them as relations of ours. On the same page I find, "The discussion that followed the presentation of the Indian proposals merely served to bring out the unwillingness of the Ceylon Delegation to make any commitment. And this is the spirit of responsibility of the Ministers when they came here! They ought to have come with a spirit of compromise and give and take and not with their own pet ideas of relationship between this country and Ceylon. This communiqué is a very correct interpretation of the proceedings that took place. At page 4, I find, "At a later stage when asked for a list of possible future restrictions"—the fact was that our Indian Government's representatives were all along trying their best to meet all the points which the Ceylonese Ministers had in mind, but still the result was, "At a later stage, when asked for a list of possible future restrictions, one gentleman said, "It may be perhaps difficult for us, with reasonable accuracy, to supply you with the range of possible restrictions even now." Now, Sir, if you go to settle your differences with another country, is it right, is it meet, is it proper, is it reasonable for you not to have details with you of the possible restrictions that you suggest that you might impose? Is this the manner of coming to a compromise with us Indians? The House should remember that this delegation which came did not come with the idea of relieving the distress of the Indians in Ceylon, but it came only with the idea of reducing the Indian population in Ceylon. I cannot possibly look at this situation with equanimity. My own idea is that they came with the idea that they would gain something, and they thought, as in the case of India of old, they would take away something from here and perhaps the Indians are not in a position to repeat the story of Ravana. We are prepared to repeat the story of Ramavana.

Mr. M. S. Aney (Berar Non-Muhammadan) We have no Sita now to lose.

Mr Muhammad Azhar Ali: Never mind. India itself is Sita. I know that we have here a very staunch and great Brahmin like Sir Girja Shankar Bajpai who headed the Indian delegation and he would have preserved all the rights of Indians even if Sita was not there.

Sir Syed Raza Ali: Who is the Ravan of the show?

An Honourable Member: Bundernayik!

Mr. Muhammad Azhar Ali: It is for Sir Syed Raza Ali to point out. The object of the delegation was, as I said, to reduce the Indian population in Ceylon. It is at their request that the Government of India accepted this delegation, and it is not the Government of India that went out of their way to ask for any delegation from Ceylon. When they came here, it was our duty to receive them in a suitable manner, but at the same time they ought to have come with sufficient responsibility, and I think the Governor of Ceylon was quite justified in sending the message which he did to the State Council.

In such a situation how is it possible to have any commercial relations with such people? I hope the Government of India will be very careful in having commercial relations with people who cannot even tolerate the existence of Indians in Ceylon. If the Ceylonese want that lands should not be sold to Indians or that Indians should not acquire the same right of citizenship as the Ceylonese, they could have formulated their points in detail and I am sure the Indian Government delegates would have considered the restrictions that were feasible and possible. I give every credit to Sir Ganga Shankar Bappai and Sir Ramaswami Mudaliar for the way in which they tried their level best for five full days to solve the intricate question of Indians in Ceylon. The Ceylon delegates were told by our delegation that the position in South Africa was absolutely different from that in Ceylon. The modes of life of the Ceylonese and the Indians, the ways of marriage, their religion—there is a great similarity between Indians and Ceylonese, but the conditions in South Africa and other Colonies are quite different. Therefore, I think that the message that has been sent by the Governor of Ceylon is a proper one. We are much obliged to the Government of India for having placed this time all the facts relating to the Indo-Ceylonese problem before us, and we shall be obliged to the Government of India in future they take, as suggested by my Honourable friend, Sir Syed Raza Ali, non-official Members along with them in order to satisfy the Indian public opinion.

Sir Syed Raza Ali: And to strengthen their own hands

Mr. Muhammad Azhar Ali: We know that there are lakhs and lakhs of Indians in Ceylon. Indians have invested crores of rupees. If Indian labourers settle down in Ceylon, they must have equal rights with the Ceylonese. If Indians, Englishmen and others come to settle down in Ceylon at one place, they must have the same rights as the Ceylonese themselves. In conclusion, I would like to give a warning to the Ceylonese that if in any future conference they are not reconcilable to the spirit of friendship and good relationship with Indians and if they are not prepared to treat Indians on an equal footing, Indians will press for retaliatory measures. With these words I support the motion.

Mr. M. S. Aney: Sir, I support the amendment that has been moved by my friend, Sir Raza Ali, as it very admirably reflects the view which this side of the House holds on the negotiations that have, unfortunately, ended in a failure, which we all deplore. By this time I take it that all the Members of this House who have been placed in possession of the papers have gone through them and have fully understood the main points on which the representatives of the Government of India and the

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Ceylon Delegation carried on their conversation for five days. Having gone through them myself, I feel that the two delegates approached the question from two, if not entirely antagonistic, at least entirely different points of view, which were not easy of reconciliation at least for the time being. The point of view which the Ceylon Delegation pressed was that consideration of their economic conditions compels them to reduce the numbers of resident Indians in Ceylon and they wanted the Government of India to give them some kind of solution for curtailing the numbers of Indians who on considerations of equity may be entitled to remain there but, out of deference to the views economic difficulties peculiar to Ceylon which they held, should be driven out of Ceylon. They plainly gave that opinion to the Government of India. The representatives of the Government of India must have found themselves in a very queer position. The delegation came here because the Ceylon Government wanted that there should be a conference between their delegates and the representatives of the Government of India. When a desire like that is expressed by one side of people, it is assumed that they will come in with something that might be appreciated by the other side and on which the other side might be expected to act and go to their assistance to solve any difficulty they might be feeling about. But within a few minutes of the starting of the conversations it was found that the Ceylonese delegation had nothing else to say except to complain vehemently that the Indians constituted six lakhs of the population and that they formed one sixth of the population of Ceylon and that the Ceylonese did not want the Indians to remain in that country, as it was likely to develop, ultimately, into a potential danger that might denigrate the whole economic position of the Ceylonese population. That is the apprehension that was being harped upon by them from beginning to end. Repeated efforts were made by the representatives of the Government of India to ask them to clarify their position into simple understandable propositions or suggestions which can be considered and examined from all points of view but beyond making this vague assertion now and then, I have not been able to understand that they really gave us any points on which it was possible to make any definite suggestion which would be acceptable to both sides. As against that, I am glad to find that the representatives of the Government of India have tried to meet their points of view by actually suggesting to them the conditions under which resident Indians can be treated by them as citizens of Ceylon—also how far in the case of certain kind of resident Indians even, certain kinds of rights which were considered as very precious may not be extended. On these points certain definite suggestions were made. The Ceylonese Delegation probably thought that this half-hearted affair will not do. They came probably with a mandate to carry out. It may be that they had this mandate from their constituency or they created this mandate for their constituency and they found that the two Indian delegates with whom they were carrying on negotiations were not amenable to accept any one of their suggestions. Ultimately, they found after this conversation of four days, that they have not been able to clarify the real issues. Much of the other difficulties were not even talked of. The other disabilities under which the Indians are suffering have not been touched even because the very first question about the status of Indians could not be discussed and carried to the point of any solution at all. Then came a stalemate and the conference ultimately broke off.

Now, the amendment before the House simply lays down three main points. First, this House expresses its appreciation of or support to the stand taken by the representatives of the Government of India in these negotiations in defence of the rights of Indians. I believe on that point there is no difference of opinion at all. It also deplores the fact, and that is very important in my opinion, that these negotiations have failed. I attach some importance to this expression of regret, because we genuinely desire that another effort at a suitable time ought to be made to find out a practical and amicable solution of the difficulty, because it is the earnest desire of this House that the relations between India and Ceylon ought to be of a very cordial and friendly nature. It is merely a geographical accident, in my opinion, that these two territories are passed as two different countries. There is only a little channel that separates that little island from the motherland, it is something like a child which for some reason or other was forsaken and which has grown at a distance from the mother. Had India been an independent country, I am sure the separate existence of Ceylon as a separate nation would not have been possible. That is the real position. In fact all the arguments which the Englishmen use against the recognition of Ireland as a separate nation would be more appropriately, more equitably and more justifiably used by the Indian people in claiming Ceylon as a part and parcel of India. It is not merely a geographical proximity to which I am making a reference—the long, historic tradition, the mythological connection, and the cultural affinity that exists between these two countries are so many ties that go to bind these two countries together.

Therefore, if in future Ceylon really wants to prosper and has some glorious future for its people, it ought to look up to India as one of the countries whose support it should constantly have. Without the support of a country like that, it is not possible for these tiny nations in these days to grow to their full stature hereafter in such a way as to secure recognition in the comity of nations or to have an honourable place at all. From that point of view also, I think the Ceylonese delegates in India ought to have been in a position to take a broader view of the situation and should not have been carried away by certain ultra-narrow considerations which ultimately seem to have dominated their views from beginning to end. Sir, therefore, the innate desire of this House to maintain relations of the utmost cordiality between Ceylon and India is reflected in two ways in this Resolution,—first, by their expressing a genuine sense of sorrow at the failure of the negotiations and also by ending the Resolution with these words, that—

“Nothing will be done by the Government and the people of Ceylon which will endanger the good relations which should exist between the two countries whose interests are so intimately bound together.”

In that way we have expressed our sincere desire for the maintenance of cordiality between these two countries in this Resolution. As we have given a suggestion to the people of Ceylon on this point, I think we also should not do anything that is likely in the least to endanger the good relations between India and Ceylon, I think we also owe a responsibility to ourselves in this matter and we ought to say nothing on this occasion that is likely to be misunderstood or likely to be seriously misconstrued by our friends in Ceylon. That responsibility we recognize. There is one thing more to which I should refer because that is one of the most important points touched upon in the Resolution. Although our

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negotiations have failed, our desire for the maintenance of cordial relations remains there. We are fortified in this thing by the fact that there is a Governor in Ceylon at present who is determined to take a rational, practical and equitable view of the whole situation. He is not oblivious of the necessity of the maintenance of good relations between Ceylon and India and he is fully conscious of the importance of seeing that no injustice to Indians resident in Ceylon is done by any indiscreet legislation of the Ceylonese State Council. The message that he has sent at a time like this, in my opinion, betokens a high degree of statesmanship on the part of His Excellency the Governor of Ceylon. He is to be congratulated by this House not only for the timely suggestion he has made but for the courageous stand and statesmanlike stand he has taken in defending the interests not only of Indians but in defending the interests of the empire by seeing that nothing indiscreet is done by one part of the empire to another part of the empire at a time like this. That is an important implication which lies behind that message which His Excellency had sent to the State Council. I am sorry that it has created a little stir amongst the Members of the Ceylon Legislature and, particularly, amongst the members of the Delegation. We have heard of some notions of adjournment and so on, but we know that all these things sometimes do take place and let us hope that better counsels will soon prevail and that the sound statesmanship that has been implied in the message sent by the Governor to the State Council will ultimately be appreciated by the Members of the Ceylon Cabinet and the Members of the Ceylon Legislature also and that nothing will happen, let us hope as suggested in this Resolution, to impair the good relations between India and Ceylon in the near future.

Sir Syed Raza Ali: What about the rice control?

Mr. M. S. Aney: That is exactly a thing which I think they have not a right to do.

Dr. P. N. Banerjee: The Government of Ceylon should not proceed with that.

Mr. M. S. Aney: My point is this that we say that nothing should be done by the Ceylon Government that ostensibly appears to be a piece of legislation intended with a sinister purpose. I think the Ceylonese Legislature will also understand the warning that is also conveyed here that after all the people of India do feel that while those Indians resident in Ceylon who are there should be treated by the Ceylon Government as genuinely Ceylonese citizens, still it is impossible for them to forget that the people in their mother country will also have feelings for them. If a man becomes a Ceylonese, it is impossible that he should not only have no interest for this country but that the people of this country should also feel no interest in them. Such a kind of complete absence of relationship is not implied in the idea of citizenship at all. They are entitled to be citizens, because they fulfil certain conditions on which the rights of citizenship are generally recognised and granted in civilised countries. It is open to the Ceylon Government to lay down definite rules for citizenship and to come out with those

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suggestions and to have a discussion with the representatives of the Government of India, and once a definition is made there, if any Indian satisfies that condition, then he is entitled to be a citizen of Ceylon. In that way alone can this problem be solved and I hope that they will be in a position to appreciate this point of view, and soon an opportunity may arise when the task that has been left unfulfilled and incomplete now will be brought to a successful fruition. Sir, I support this motion.

The Honourable Sir Gijja Shankar Bajpai: Mr Deputy President, I feel that it might be convenient to the House, for me to say a few words on behalf of Government at this stage. I should like, in the first place, to express our real gratification that this debate has taken place and that for two reasons. First it has given the House an opportunity of giving its verdict upon the stand that we, the representatives of the Government on this Delegation, took towards the propositions that were placed before us by the Ceylon Delegation, and secondly, because it has served to reveal once more—not that that revealing was absolutely necessary but it is of some importance—it has served to reveal once more the complete unity of feeling in this House on the treatment of all questions that relate to Indians overseas,—a unity of feeling, so far as this particular thing is concerned, of regret that we could not come to an agreement, and of hope that better counsels will prevail on the other side and that, as a result of that, a better understanding between the two countries will be established, but unity also of a resolve that so far as we are concerned, if there is to be a settlement, it must be on the basis, not merely of justice and fairplay to the Singalese but of justice and fairplay to the Indians in Ceylon. I should also like to say one other word as regards this debate. I think I shall not be presumptuous if I congratulate the House on the statesmanlike character of this debate. We have not indulged, none of us, in mere recrimination, in mere criticism, in threats. Not a bit of it. We have emphasised, what should be obvious to everybody, the traditional, the age-long, the immemorial association between the two countries. We have expressed our desire, a desire which I ventured to express in my own way when welcoming the Ceylon delegates, a desire that Ceylon should grow, grow in material prosperity, in political stature and in moral strength. And that is the desire, I am sure, of everyone in this House.

Sir Syed Raza Ali: Morally

The Honourable Sir Gijja Shankar Bajpai: As my Honourable friend, Sir Syed Raza Ali, has said, morally, which pre-supposes a capacity to adjust relations between majorities and minorities, between men of one race and men of another race in a spirit of even-handed justice and fair-play.

I do not think that I need detain the House with prefatory remarks very much longer. My Honourable friend, Sir Syed Raza Ali, who devotes a good deal of attention to the study of overseas questions, mentions a number of questions which are still outstanding between this country and Ceylon. In the statement that was laid on the table of the House the other day, we made it clear that we did not consider it either desirable or opportune to discuss in detail questions other than the question of status, because status goes to the very root of the matter so far as our

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relations with Ceylon are concerned. But, as the Prime Minister of the United Kingdom had occasion to say the other day, eternal vigilance is the price of safety in these days. We recognise that and, so far as the outstanding questions between India and Ceylon are concerned, that vigilance will continue to be exercised. I do not think that it is desirable to take one individual question now and go into the details of that or another particular question later and go into the details of that. My Honourable friend was concerned over the possibility of the introduction of a Government monopoly in the matter of the sale of rice. I have kept a watch on that. Only the other day I was reading a leading article not, in a planters' newspaper but a Singalese newspaper, *The Ceylon Daily News*, which was extremely critical of this proposal. I think from that I am entitled to draw the inference that there is no such thing at the present moment as either a considered proposal or as a unanimous or even a majority decision of the Ministry in Ceylon to go forward with this proposal. Doubtless, I am speaking of inferences but it seems to me that, when you have a certain set of facts before you which justify a particular inference, you should not hesitate to draw that inference. Anvhow, my Honourable friends may rest assured that, as in the past, so in the future, it will be our care and it will be our constant endeavour to see that legitimate rights in this as in other respects are safeguarded.

Sir, my Honourable friend, Mr Deshmukh, wished to know what exactly the list of the undertakings given by the Governor was. I made two endeavours to get the information. It is no use my putting before you our catalogue of the undertakings that the Government of Ceylon have given in the past, they may not coincide with the message which His Excellency the Governor has sent. In order really to be on the wise side, so far as our appreciation of the position is concerned, we ought to wait until we have the text of His Excellency the Governor's message in our hands. But of one thing I am confident. Only recently I had an opportunity of paying a private and personal visit to Ceylon. In the course of that visit, I was the guest of His Excellency the Governor and had an opportunity of making his acquaintance. I am pretty confident of one thing. While he is as jealous of the rights and privileges of the people whom he is called upon to govern as the Ministers themselves, he is equally conscious of the responsibility that he owes to an important minority such as the Indian community in Ceylon. I am sure that it is in that spirit that his message was framed, that his message was sent, that his message was delivered, and we may take it that, in the framing of that message, he had fully in mind the responsibility to which I have already alluded, namely, the responsibility of safeguarding not merely the undertakings of His Majesty's Government but what those undertakings are designed to cover, the legitimate rights and privileges of the Indian community in Ceylon. I hope that it is in no way an intrusion on our part in the internal affairs of Ceylon to express our appreciation of the statesman-like act, the bold and courageous act of His Excellency the Governor. Sir, that practically brings to a close all that need be said on the subject-matter of the amendment that has been moved to my Honourable friend, Mr Tyson's original motion.

But I should not like to resume my seat without first thanking the House for the very generous terms in which they have referred to my own share in these negotiations. I am very grateful for that. During the

twelve years that I was a Member of this House, I received nothing but kindness and generosity from all sections of the House, and I have no doubt that that has animated their judgment, their assessment, of my part in these negotiations. But I have really, if I may say so, done no more than give effect to the considered policy of the Government of India, a policy which was laid down not by me, because it is a policy which is older than even the period of my association with the Department, but a policy of a long series of distinguished predecessors, Sir Fazl-i-Hussain, Sir Muhammad Habibullah and Kunwar Sir Jagadish Prasad. That policy is that once an Indian has been settled in any other part of the British Empire or Commonwealth of Nations for a number of years, once he can establish by easily ascertainable facts the proof of permanent interest in the country, he should have complete equality of rights over the whole field of rights, be they political rights or be they economic rights. That was the position which I stated, I think, at the very first meeting to the members of the Ceylon delegation and I have ventured to repeat that today because there seems to be some misapprehension in the mind of my Honourable friend, Sir Syed Raza Ali. He seemed to think that we were fighting merely for political equality, but we were also fighting for economic equality. That is an important point, I think, that needed emphasis.

Sir Syed Raza Ali: I had a good deal to say about that.

The Honourable Sir Girja Shankar Bajpai: I am not stating for a minute that the Honourable Member was not complete.

Sir Syed Raza Ali: I thought that was the implication.

The Honourable Sir Girja Shankar Bajpai: I am sorry. There was nothing offensive in my implication at all.

Sir Syed Raza Ali: I do not say that there was anything offensive in it but it seemed to me that that was the implication. But I am glad to hear that it was not so.

The Honourable Sir Girja Shankar Bajpai: I was merely concerned to point out that if there was any misapprehension in his mind that our battle was only for political equality, then in that case I should like to remove it because our battle was for economic as well as for political equality.

Now, Sir, one word as regards the future, because that is important. True as my Honourable friend, Mr. Muhammad Azhar Ali who comes from Lucknow, as I do, in his Urdu verse said

"Nishastand-o guftand-o barkhastand"

The delegates came, they met, they conversed and then they dispersed. That often happens, but that does not necessarily mean that we should now treat the possibility of a resumption of good relations.

Maulana Zafar Ali Khan (East Central Punjab Muhammadan) We ought to be able to say 'I came, I saw, I conquered'.

The Honourable Sir Girja Shankar Bajpai: My Honourable friend is a soldier and he is always thinking of conquerors. Conquest by the sword is a thing which we, Brahmans, do not know. Conquest of ideas by persuasion, yes, that we believe in and that we practise.

Mr. M. S. Aney. I object to the remark of my Honourable friend that Brahmans do not know conquest by sword

The Honourable Sir Girja Shankar Bajpai: My Honourable friend, Mr. Aney, comes from the Deshabastha Mahairatta Brahman class which produced the great Peshwas who certainly were conquerors by the sword, but unfortunately, we, Brahmans in the North, have degenerated a little bit

Sir Syed Raza Ali. Am I to take it that the Honourable Member is a believer in non-violence?

The Honourable Sir Girja Shankar Bajpai: I am afraid my Honourable friend, Sir Syed Raza Ali, peruses newspapers a little too much in the mornings and that is why he is always thinking in terms of violence and non-violence. I was really trying to keep the discussion on the plane of argument which I believe is the plane which is peculiar and appropriate to this House.

As regards the future, to continue, I do not for a minute feel that the phase into which our relations have got is going to be everlasting irritation, agitation, if you like at the other end and some display of temper, yes, may be we are not immune from that ourselves in this country. But I have no doubt that as time passes, as leaders of opinion in Ceylon reflect upon what His Excellency the Governor has said, upon what we in this House have been saying, upon what some people in that country may be saying before very long, when utterances and influences like that had time to work, the door will be re-opened for a resumption of the conversations, discussions and negotiations.

Sir, one final word before I sit down. My Honourable friend, Sir Syed Raza Ali, said that the Government of India should have strengthened themselves when conducting these negotiations by associating with them or with their representatives, non-officials. Now, Sir, these negotiations were understood to be only between Governments because they were entirely informal and exploratory in nature. That is one point which I should like the House to bear in mind. The other point which I should like the House to bear in mind is that these negotiations took place not in Ceylon but in India. They took place at a time when the two Houses of the Central Legislature were sitting and when the representatives of the Government of India had available to them, whenever they wanted it, the advice of a very representative non-official body, namely, the Standing Emigration Committee of the Central Legislature. As a matter of fact immediately after the negotiations, in other words as soon as a definite stage in the negotiations had been reached, we convened a meeting of the Standing Emigration Committee in order to communicate the result of those negotiations.

Sir Syed Raza Ali: It was after the negotiations with Ceylon delegation had been over that the Emigration Committee meetings were held.

The Honourable Sir Girja Shankar Bajpai: Yes, but equally I pointed out when a definite stage in the negotiations had been reached. Judging from the whole tenor of the support which Honourable Members have been giving to the attitude adopted by my Honourable Colleague, Sir A. Ramaswami Mudaliar and myself in the discussions I do not think I am

very far wrong in presuming that, even if I had consulted the Standing Emigration Committee of the Central Legislature earlier, I would have got any advice other than the one which I acted upon without actually seeking it. In this particular matter, the attitude of the Government of India and the House is fully known. But the point I was coming to is this: if a stage arises when from informal we proceed to formal negotiations, then the suggestion that my Honourable friend has made and it is a suggestion which I have had at the back of my own mind, will certainly receive full consideration. That is all I have to say.

Maulana Zafar Ali Khan: Sir, the Secretary of State for India is very fond of repeating from time to time his conviction that the unity of India shall be maintained at all costs. But I should like to remind him that the unity of India was violated very many years ago by the British Government itself. The process of vivisection commenced when Burma which was part and parcel of India was separated from India. The process of vivisection had commenced already when Ceylon which was part and parcel of India was separated from India and treated as a Crown Colony. As my Honourable friend, Mr. Aney, pointed out very rightly, only a small channel separates Ceylon from India, there is only the small island of Rameswaram in between the two which brings Ceylon much nearer to India. In fact the whole of Ceylon abuts on the southern coast of India. Had Ceylon been a province of India then the Emperor of India—I must tell you that the King of England is not called the Emperor of England—would have under his sway, Burma, Ceylon, Aden and the present India proper. Aden, Burma and Ceylon were all once the colonies of India but owing to certain political considerations, the Government thought it best to cut Ceylon from India. The relations between India and Ceylon from time immemorial, as has been pointed out so facetiously by my Honourable friend, Mr. Muhammad As-har Ali, were of a very romantic character. I had expected my Honourable friend, Sir Girja Shankar Bajpai, to have reminded those Johnnies, the Ministers of Ceylon when they came here, “don’t you recollect you fellows that your King Ravana in olden times had to bow down to Rama, do not forget those incidents?” Perhaps he spent all his time in flattering them and in fawning upon them. I suggest he should have given them the rough edge of his tongue if he has any, but, unfortunately, he has none. Why allow them to come here and adopt this imperious attitude? They say the population of Indians in Ceylon is one-sixth of the total population amounting to nearly nine lakhs out of 54 lakhs. These nine lakhs of Indians according to these Barons and Ministers of Ceylon would swamp the Ceylonese. They seem to have run away with the idea that if these nine lakhs of Indians continued to live in Ceylon, they will constitute a danger, an ever increasing danger which would bring about their total extinction and ruin. If nine lakhs of Indians are such a strong power that their citizenship of Ceylon threatens the entire island of Ceylon with extinction, let it die then.

Sir Syed Raza Ali: They will not agree to die.

Maulana Zafar Ali Khan: They ought to agree. There is the law of the survival of the fittest and those who are fit shall live and those who are unfit shall go. I am of course one of those who concedes the right of secession to every part of India, if treated savagely, harshly and in a manner which is intolerable. But have we treated Ceylon in that manner? Had

[Maulana Zafar Ali Khan]

Ceylon been a province of India she would have been content to remain under the banner of India. But instead of our doing any injustice to Ceylon it is we to whom an injustice is being done. They want to exterminate us, they want to reduce the population of India in Ceylon in a substantial manner, that is, out of nine lakhs they want to turn out six or seven lakhs. What are these six or seven lakhs of people doing there? They went to earn their livelihood. For ages they have been settled down there and some of them have acquired the right of citizenship by living in Ceylon for over five years and having their wives and children there and having a permanent interest in Ceylon. Some of them were even born in Ceylon. Sir Baron says that even those who were born in Ceylon may be turned out and will not have full right of citizenship as the Ceylonese. This is really intolerable and we cannot bear it. We Indians are really very unfortunate. We go to South Africa and the narrative of South Africa is one long tragedy. We go to Kenya and there we are turned out because we are blackies. South Africa and Kenya are under the heels of white people, but the Ceylonese and Burmese are not white and still they are treating us like that. Mr. Amery says that India consists of one-fifth of the human race, she is sending her millions to the front where they are shedding their blood to maintain the glory of England, but still we are treated as we are being treated by the Ceylonese. I should, therefore, like to know what attitude the Government of India are going to adopt in the event of the Ceylonese ministers passing a legislative measure in their House of Representatives enabling them to turn out so many lakhs of Indians from Ceylon? It seems to me that they are bent upon doing it. The message that was sent by the Governor to the Government of India, for which he has been thanked, was resented by them and they actually condemned him for doing it. Supposing they fly in his face and a few days afterwards they pass a legislative measure which when promulgated enables the authorities there to turn out Indians, what will the Government of India do? Nothing has been hinted at in the amendment from which we can arrive at the conclusion that our interests shall be safeguarded at all costs. Recrimination or retaliation may be something but what form will that retaliation take?

Sir Syed Raza Ali: Sir, I do not want to interrupt my Honourable friend, but that stage, let me repeat, has not arrived. Fortunately, the negotiations between India and Ceylon have not been broken off finally. This is only a temporary phase. Therefore, why talk of retaliation at this stage?

Maulana Zafar Ali Khan: This is only dilly-dallying. I think if the British Government once make up their mind and give the Ceylonese a bit of their mind this tangle would be solved at once. When the Secretary of State for India takes up a strong attitude with regard to India, cannot the Colonial Secretary take up a similar attitude in regard to Ceylon in a matter in which there is absolute injustice from that side? Something has to be done and done soon. It may go on for a year or two years while this war is going on. But our people are on the point of being turned out and before then this thing will have to be done. My Honourable friend, Sir Raza Ali, pointed out that non-official Members of this House should have been associated with the delegates who discussed the question with the Ceylonese delegates. Sir Girja Shankar Bajpai has very rightly pointed out that these talks were between two Governments and it stands to reason

that if we had non-official elected Members of this Legislature to talk with them, they also would be entitled to bring their non-official members. Therefore my suggestion, if the House and Government would care to agree to it, is that we should organise a goodwill mission of the leading men of India and send them to Ceylon to study the situation on the spot and explore all avenues of bringing about good, amicable and friendly relations between the two countries. As my Honourable friend, Sir Raza Ali, pointed out, it is not all Ceylonese who are anti-Indian. The man in the street is not anti-Indian. It is a few people with vested interests, the capitalists, who have got the power and want to lord over us and turn us out of Ceylon. If this goodwill mission goes, it will find that of the entire population of 55 lakhs there are ten lakhs of Indian Tamils who have for ages been settled in Ceylon. Then there are four lakhs of Muslims and another eight lakhs politically hostile to the party now in power, making 22 lakhs in all. If these 22 lakhs of people can be approached Sir Baron will find that other games can be played. At the same time political pressure must be exercised on the Ceylon Government to strengthen the hands of the Governor, and if this combined pressure and goodwill mission do not result in bringing about the end that we desire, then the time will have come when very strong measures will have to be taken.

What those measures will be, I leave it to the government of the day. We may be the government of the day! This motion has been discussed threadbare and every aspect of the question has been placed before the House in a very strong light. All that I should like in the end to point out is that we feel very strongly over this question, and although the Government has been treating us in a cavalierly manner, strong in their belief that they have got a majority of votes on their side—and we have not forgotten the fate of Mr. Joshi's Resolution—we know that perfectly well—but this motion affects the prestige of the British Government and of the Government of India, and when we and they are of the same opinion, I think that they will do something really to satisfy us. With these words I support the motion.

Some Honourable Members: The question may now be put

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhaminadan Rural) Sir, when I read the volume of evidence presented to us two days ago, I formed just the same opinion as described by my friend, Mr. Aney, on the floor of the House. I thought those persons were speaking for the constituency that they had created themselves and they were talking in order to please that particular constituency on the dangerous principle of securing their votes for future elections. At least this was the impression I got from reading their evidence. We cannot forget that the Ceylonese here in India enjoy better privileges than the Indians enjoy in Ceylon. I would like to ask the Secretary of the Education, Health and Lands Department to tell us here how many Ceylonese are now employed in the Indian Civil Service, in the provincial services and in the various departments of the Government of India. If the figures are collected, we will find that the Ceylonese salaries budget in India is much bigger than the Indian salaries budget in Ceylon.

The second point in which we have been exceedingly generous is about the Ottawa Agreement. We know very well that the preferences ought

[Dr Sir Ziauddin Ahmad]

to have ceased even last year, but we are very generous and we are allowing them these preferences in spite of the fact that these preferences ought not to have been there. I was rather surprised that this particular weapon was not used by our representatives on the occasion of the conversations with these people, because I see no mention of it. But probably they thought that they should talk gracefully. We find from the cutting that I am just going to read that the case is the other way round. I thought that probably by rational argument they will make them realise that in the interests of good relations between India and Ceylon it was desirable that they should accept the reasonable suggestions made by our representatives, but in spite of the strong arguments of our representatives they did not agree to these things. They should not forget that they are enjoying peace at present because they form part of the British Empire; they should not forget they are enjoying peace because our bayonets are there to protect them. They should not forget that they are enjoying all these things because they are fully aware that we will always be there to help them. These are days in which we have to face a common enemy, and it is certainly wrong on their part to create a kind of civil war at a time when both of us are engaged in fighting a common enemy. I think the policy advocated by some of their leaders at present is a very dangerous policy and it ought to be stopped in the interests of the British Empire. Everybody knows that we do not want any hero from Oudh to go there—as was hinted by my friend, Mr. Azhar Ali—and that has got two meanings—but if the Government will only shut their eyes, then the volunteers from Tinnevely and Malabar are quite sufficient to add one more district to the presidency to which they belong. No fight will be needed. A little connivance from the Government of India will enable the volunteers of these two districts to add Ceylon as one additional district to the presidency. This is a thing which the representatives of the agitators ought to realise. I hope that the assurance of the Governor of Ceylon will have some effect. I have got a cutting before me from the *Hindustan Times* of today that is rather important and throws a good deal of light. It says

"The political correspondent of the Times of Ceylon gathers from inquiries that the Board of Ministers will be introducing an Immigration Bill on March 4, allowing future immigrants only on passport and conditional permits of residence, and that, if after its passage in the Council it is disallowed by the Governor, they will resign."

Here is a threat given by the Ministers there and with regard to this, I can say only one word.

Mandaki Lo bhi Tukam hoqa

We can administer threats also but I thought it is the other way round that those people should administer threats to us. Another paper, the *Observer*, says

"The Ministers have decided to introduce two Bills, one to deal effectively with any future immigration into Ceylon and the other dealing with the non-Ceylonese already in the Island."

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

"The paper says that the former is likely to impose a complete embargo on the entry of immigrants, with a reservation giving the Government authority to issue permits of immigration. The paper understands that the vital provision of the second Bill will be to issue certificates of residence, holders of which will be entitled to

continue residence in the Island. The paper also foreshadows a third piece of legislation introducing the system of licensing of traders so as to give the Government an opportunity to control trading activities in the island by non-Ceylonese."

In the end, Sir, I should like to emphasise the fact that this is not an opportune moment for the Ceylon Leaders to take upon themselves the responsibility of creating a civil war with the Indian people. We want to encourage them, we want that they should become, though small, a powerful nation in its own way, but at the same time we do not want that they should challenge our integrity and the *bona fide* rights which we have been enjoying from time immemorial. I hope that the Government which is responsible for maintaining peace in both the countries will step in, and if the worst comes to the worst, then I would repeat once more, if we allow the volunteers of those two districts that I have mentioned to settle the matter.

Mr. President (The Honourable Sir Abdur Rahim) The Chan will now put the motion, as sought to be amended, first, the amendment proposed being

"That after the word 'consideration' the following be added

'And this Assembly regrets the failure of the Indo Ceylon conversations as revealed in the verbatim report and supports the attitude adopted by the representatives of the Government of India which faithfully represents the point of view of Indian public opinion, and while recognising the desire of the Ceylon State Council to maintain its independence of action, appreciates the message sent by the Governor of Ceylon to that body with respect to the undertakings given by His Majesty's Government and by the Government of Ceylon to the Government of India and expresses the hope that it will serve to emphasize the importance, particularly, under present circumstances, of nothing being done by the Government and people of Ceylon which will endanger the good relations which should exist between the two countries whose interests are so intimately bound together'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 17th February, 1941

LEGISLATIVE ASSEMBLY

Monday, 17th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

MEMBER SWORN

Mr John Herbert Thomas, M L A (Government of India Nominated Official)

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

MANUFACTURE OF AIRCRAFTS, MOTORS AND SHIPS IN INDIA

76. *Mr. Govind V. Deshmukh: Will the Honourable the Law Member please state whether Government have given any encouragement to any Indian enterprise started to manufacture aircrafts, motors or to build ships? If so, what is its nature and extent?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I would refer the Honourable Member to the Commerce Department Press Communiqué of the 16th December, 1940, on the subject Copies of the communiqué are in the Library

Mr. Lalchand Navalrai: May I know if any manufactures have been started, or not yet?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I understand that preparations are going on for the starting of the manufacture of aircraft

Mr. Lalchand Navalrai: What is meant by preparation? Is it that they have only thought over it?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: My Honourable friend should address the question to those who are the enterprisers in this behalf

Dr. Sir Ziauddin Ahmad: May I know whether Government have already paid for the purchase of the aircraft to these companies, and, if so, for how many machines?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I would request my Honourable friend to address that question to my Honourable friend, the Finance Member

Dr. Sir Ziauddin Ahmad: Payments should have been made through the Commerce Department

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: An agreement has been arrived at under which certain amounts have to be paid by Government, but whether they have been paid or not, I am not aware of

Dr. Sir Ziauddin Ahmad: Has there been any talk or any negotiation about this point that certain machines ought to be supplied by certain dates and the numbers of those machines that have already been paid for?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I cannot say whether they have already been paid for, but I know that the contract makes provision for payment of certain amounts under certain conditions

Sir Muhammad Yamin Khan. Is that payment to be made before the supply, or what is the nature of the agreement?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I must have notice of that

Mr. Govind V. Deshmukh: What is the progress made in this matter since the issue of the communiqué referred to by the Honourable Member?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I understand that, so far as the manufacture of aircraft is concerned, the progress has been very considerable, and the concern which has undertaken this has taken substantial steps in advance for bringing about the manufacture of these aircrafts

SUBSTITUTE MARKETS FOR MARKETS LOST IN EUROPE

77. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state what effective substitute markets have been secured for India for the markets lost in Europe, and for which commodities?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I place a statement on the table of the House showing the exports of certain principal commodities—

(a) to "lost" markets, for the 12 months immediately preceding the war, and,

(b) to markets still open to India, for the two twelve-monthly periods immediately before and after the outbreak of war

It will be seen that while exports to open markets in jute, castorseed, groundnuts, rapeseed, hides and skins, coir yarn, hemp, and manganese ore have exceeded the quantities exported to those same markets during the period before the war, nevertheless, except in the case of castorseed and rapeseed, the increased exports have not been sufficient to make up for the loss due to the markets now closed to us. The value of exports to the open markets during the first year of war exceeded, however, the value of exports to both open and lost markets inclusive during the 12 months before war broke out

Increases in exports to open markets have been chiefly made to Empire countries and to the United States of America

Statement showing exports of certain principal commodities, from British India, by sea, to (1) Countries now closed, and (2) Countries still open

Commodity	Unit	Exports to markets now closed (During Septem- ber August 1939 39)	Exports to markets still open (During Septem- ber August 1939 39)	Exports to markets still open (During Septem- ber August 1939 40)
Jute, raw	Tons	338,614	3,29,143	354,242
Cotton, raw	..	114,459	470,127	354,872
Castorseed	..	3,708	4,140	78,856
Groundnuts	..	652,129	155,976	235,991
Linseed	..	24,451	285,443	206,362
Rapeseed	..	1,545	3,100	29,968
Hides and skins, raw	..	12,326	25,457	34,875
Oilcakes	..	120,406	295,085	225,647
Lac	Cwts	98,852	693,057	643,719
Coir yarn	..	335,114	283,085	424,265
Hemp, raw	..	413,276	379,666	515,376
Manganese ore	Tons	145,653	420,700	541,686
Total value of exports of all commodities	Rs (000)	28,20,10	144,16,43	198,86,63

DEVISING OF A SCHEME FOR GOVERNMENT PURCHASE OF COTTON

78. *Mr. Govind V. Deshmukh. Will the Honourable Member for Commerce please state if Government propose to devise a scheme, with or without the co-operation of the Provincial Governments or request His Majesty's Government, to purchase cotton in this country in order that the agriculturists may not be required to sell cotton at unremunerative prices in the markets? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No, Sir. The price of cotton is above the level prevailing at the outbreak of war and there is, therefore, not at the moment any occasion for extraordinary Government action.

Mr. Govind V. Deshmukh: Are Government sure that the price is above the level which it had reached before the war?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: To the best of my information, Sir, that is the position

Mr. Govind V. Deshmukh: I think it has gone down. May I ask whether it is not possible for this Government to have a conference on the lines they had in December last as regards jute?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The position is constantly under consideration and review by the Government of India so far as this commodity is concerned. My Honourable colleague knows that, at the meeting of the Export Advisory Council where the main interests of cotton are represented, this question has been very constantly under review. I am prepared at any time, when it becomes necessary, to have a conference, not identical with that which was held with reference to jute, but on similar lines.

Mr. Govind V. Deshmukh: Did this Government incur any obligations in connection with the Jute Conference, any commitments made?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Certain contingent obligations.

Mr. Govind V. Deshmukh: May I know the nature of these contingent obligations?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Apart from the fact that this does not arise directly out of this question, I may say that the obligations were referred to in the press communiqué which was issued on the subject soon after the conference was over.

Dr. Sir Ziauddin Ahmad: Did this conference referred to by my Honourable friend devise any scheme for stabilising the prices of cotton?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Cotton? Not yet. My Honourable friend was referring to jute.

Mr. Govind V. Deshmukh: By way of illustration.

Dr. Sir Ziauddin Ahmad: I am talking of cotton.

NEW EXPORT MARKETS FOR COTTON AND GROUNDNUTS

79 ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state

- (a) what measures have been taken to find out new export markets, as the old ones have been lost owing to war, for cotton and groundnuts, and
- (b) the measures taken to raise the prices of these commodities?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Generally speaking, it is not easy to find new markets for cotton and groundnuts in place of those which have been lost owing to the war. There has been an appreciable increase during the current year, in the total exports of cotton textiles to all destinations and a certain quantity of the

cotton surplus may, therefore, be expected to be absorbed by increased consumption in Indian mills in connection with the export demand and also in connection with the demands of the Supply Department. The Government of India are also taking certain steps to relieve the situation. They have recently appointed a Trade Commissioner in Australia, and the question of appointing further Trade Commissioners and sending trade missions to countries with which India can hope to improve her trade relations is also under active consideration.

(b) The price of cotton is above the level prevailing at the outbreak of war and there is, therefore, not at the moment any occasion for extraordinary Government action. As regards groundnuts, the Honourable Member's attention is invited to the Press Note issued on the 30th January, 1941, a copy of which is placed on the table of the House. The matter will be further considered in consultation with the Madras, Bombay and Hyderabad Governments at a conference which will be held on the 20th February, 1941.

PRESS NOTE

GROUNDNUT POSITION IN INDIA

Maintenance of agreed price by His Majesty's Government

In recent weeks, both the business world and the Government of India have been much preoccupied with the groundnut situation. In view of pending developments it is intended, subject to agreement by the Provinces and States concerned, to call a conference at New Delhi at an early date. The Madras and Hyderabad Governments have already intimated their willingness to participate in such a conference.

At the beginning of September last, His Majesty's Government undertook to maintain their buying price for Indian groundnuts at £10 f o b per ton. This undertaking has been faithfully observed, but exports of groundnuts have at no time covered more than the smaller part of the whole output in this country and the quantities which His Majesty's Government have been able to buy and ship at the agreed price have not been large enough to prevent the local market rates from falling appreciably below that level when a new and unusually large crop came into the market. The firms through which that Government's requirements were bought have therefore procured the quantities required at a rate appreciably below that which they received on shipping them. The resulting margin of profit for these shippers was consequently large, but in view of the public criticism to which they have been exposed, it must in justice be pointed out that this was an inevitable effect of the maintenance of fixed buying prices by the United Kingdom at a time when market factors were operating adversely to the price situation here and that the shippers themselves were the first to draw attention to the anomaly. At the same time, it is clear that even if the higher price paid by His Majesty's Government could have been passed on to the actual producer, the result would have been in effect nothing but an unfair and fortuitous advantage to a small body of growers over the greater number of their brother producers whose product passed into the market for local consumption. The only ways in which the excessive margin of profit could be removed were either to reduce the prices paid by His Majesty's Government to their shippers to a rate co-ordinated with the actual course of the local market or to maintain that Government's buying price at the agreed level and to devise means by which the excess could be taken off by Government action and utilized for the benefit of the general body of groundnut growers.

The Government of India have attached great importance to the maintenance of the fixed buying price and have consequently urged upon His Majesty's Government the acceptance of the second of these alternatives. They are now able to announce that that Government have generously agreed for the present not to reduce their prices below the agreed level and themselves to accept from the shippers a rebate equivalent to the difference between that price and the current market price in India. This rebate it is proposed to transfer to the Government of India to be used for the benefit of producers.

In considering the most appropriate way of applying the sums which are likely to accrue as a result of this agreement with His Majesty's Government, the Government of India have come to the general conclusion that it will be necessary to restrict the acreage under groundnuts if the market is not to be subjected to the constant threat of low prices as a result of over production. The enforcement of restriction will, however, not be easy if higher prices are anticipated as a consequence of any reduction of acreage, and it would in any case be impracticable to enforce it unless there were an agreed scheme covering the principal producing areas. The Government of India's main proposal is that the funds made available to them, supplemented, it is hoped, by contributions from the Provinces and States interested, shall be used as a fund to compensate such producers as are willing to submit to restriction. It is to the discussion of details arising out of this proposal that the projected Conference will be asked to devote its attention.

COMMERCE DEPARTMENT,

New Delhi, January 30, 1941

Mr. Govind V. Deshmukh: May I know what was the price of cotton before the outbreak of the war?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am afraid I must have notice.

Mr. Lalchand Navalrai: May I know from my Honourable friend whether any exports are being made to Australia of cotton and groundnuts?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I must have notice of that. I believe exports of cotton are being made.

Mr. Govind V. Deshmukh: Besides the appointments of Trade Commissioners, are any other measures being taken for increasing the prices of cotton?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No, not yet.

Dr. Sir Ziauddin Ahmad: With reference to the answer to part (a) of the question, may I know whether the Indian cotton mills are using exclusively Indian cotton in their mills, and whether they are not using imported cotton?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Certainly, some Indian mills are exclusively using Indian cotton. Other mills are using both Indian and imported cotton, but some mills are using exclusively imported cotton. There are all kinds of permutations and combinations in regard to the use of cotton in various textile mills according to the nature of the cloth that is being produced or the machinery that is set up in these mills.

Dr. Sir Ziauddin Ahmad: In view of the special protection which we have given to these mills for the benefit of the cotton growers, are Government prepared to take action that those mills which enjoy a very high degree of protection use only Indian cottons?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: My Honourable friend asks me to enter into a very large issue. I would only content myself by saying that diversification of production of cotton cloth is one of the things that was recommended by the earliest Tariff Committees which sat on cotton protection, and, according to that recommendation, it is essential that some mills should spin fine yarn and weave fine cloth which can only be done at the present stage of production of cotton in this country, from imported cotton.

Dr Sir Ziauddin Ahmad: On account of war conditions, the question of fineness of cloth is not so important as the question of the consumption of Indian cotton. In view of the importance of the consumption of Indian cotton, will Government be prepared to stop foreign cotton altogether by putting a special import duty on it?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: There is a limitation of the consumption of cloth in this country of certain texture, and there is also the limitation that certain machinery in certain mills can only work on fine cotton.

Mr M. S. Aney: In giving contracts of certain cloth to these mills, what is the rate of cotton contemplated by the Supply Department in making their demand?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That question must be addressed to my Honourable friend, the Supply Member.

Mr. M. S. Aney: Any Member on the Treasury Benches may answer it. The question is this. Certain contracts for cloth are given to the mills. I want to know what is the rate of cotton contemplated by the Supply Department in giving those contracts to the mills?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Perhaps I may answer that question. Tenders are called for, and very often the lowest tender is accepted. It is a competitive tender where tenderers offer according to the value of the cotton that they can get for the purpose for which it is desired.

Mr. M. S. Aney: Has the Supply Department or any other Department concerned calculated even on the basis of the lowest tender what is the price of cotton per *khandi*, that is the basis of their calculation?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am sure in these matters the Finance Officer who is closely associated with these things must have calculated that factor.

Mr. M. S. Aney: Is there any officer present in this House who is in a position to give a definite reply?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member had better put down a question.

Dr. Sir Ziauddin Ahmad: May I put this question in another form? In view of the fact that all the prices are determined by negotiation, allowing

ten per cent interest to the persons, then in this calculation what is the price of the cotton fixed? That is really the important question

Mr. President (The Honourable Sir Abdur Rahim) Government are not in a position to answer that now

Mr. M. S. Aney: It looks like that

SUBSIDY TO SHIPPING COMPANIES CARRYING HAJ PILGRIMS

80. *Mr. Lalchand Navalrai: (a) Will the Education Secretary be pleased to state if Government received a representation from the Secretary of the Indian Merchants Chamber, Bombay, in December last, which referred to the Press Note issued by the Government of India on the subject of subsidy which they proposed to give to ships carrying pilgrims between India and Jeddah during this year's Haj season?

(b) If so, what reply was given on the subject to the Indian Merchants Chamber, Bombay, and was any subsidy given or concessions made in favour of the ships which carried the pilgrims? If so, which and for what reasons?

(c) Is it a fact that on the previous occasion of Haj last year, an Indian shipping concern, the Scindia Steam Navigation Company, was carrying pilgrims, and this year it was done by non-Indian shipping concerns?

(d) Is it a fact that last year no such help was forthcoming for the Indian shipping company when they made an appeal for it, whereas it was proposed to be given this year? If so, what is the reason for this distinction?

(e) Did the shipping companies this year fix the fares for sailing between India and Jeddah? If so, how did it compare with the fares charged last year?

Mr. J. D. Tyson: (a) Yes

(b) to (e) The letter was acknowledged and a press communiqué entitled "Facts About The Subsidy" was issued on the 10th December, 1940. A copy is laid on the table of the House

(Not to be published before the 10th December, 1940)

GOVERNMENT OF INDIA

DEPARTMENT OF EDUCATION, HEALTH AND LANDS

New Delhi, the 10th December, 1940

PRESS COMMUNIQUE

HAJ PILGRIMAGE

The Facts about the subsidy

The Government of India have seen in the Press certain statements to the effect that no assistance was given to shipping companies engaged in the pilgrim traffic last year either by means of a subsidy or by fixing economic rates whereas in the current year, when only a non Indian concern is participating in this traffic, Government are

giving direct assistance by means of a subsidy and the fares have also been increased. It is also stated that the Indian Shipping Company was not consulted before this policy was decided upon and the inference apparently suggested is that if the Company had known that a subsidy was to be offered it would have considered participating in the traffic. The incorrectness of these allegations and suggestions will be apparent from the facts set out below.

In the Haj season of 1939-40 the Scindia Steam Navigation Company declined to participate in the pilgrim traffic as the Company was not prepared to accept the Government of India's allocation of traffic between the two companies interested. The maximum fares quoted by the Mogul Line for the Haj Season of 1939-40 were those in force in 1938-39,—the last pre war season,—and were 22 per cent less than those suggested by the Scindia Steam Navigation Company. These were accepted as reasonable after consideration of all relevant factors and the Mogul Line was the only company that operated on these terms.

When arrangements for the current pilgrim season came to be considered, a completely new set of conditions had arisen. The war had extended to the Red Sea and demands on available shipping for military purposes had greatly increased. There was much uncertainty as to the number and identity of the pilgrim carrying ships that could be released from requisition; there was even greater uncertainty regarding the number of pilgrims likely to be forthcoming. But the most uncertain factor was whether the companies would be able to quote fares within the capacity of the average pilgrim. In reply to identical inquiries from Government in August last the Mogul Line and the Haj Line (Scindia's) both expressed their inability to quote any rates and both emphasised the fact that operating costs had increased since the previous year. Indeed the rise in the rate for War Risk Insurance alone was sufficient to raise the economic fare for the voyage between Indian ports and Jeddah beyond the reach of ordinary pilgrims. Identical letters were therefore again addressed to the two shipping companies explaining that, as sailing arrangements must depend on the shipping actually released from requisition, no scheme of allocating shares in the traffic was feasible and a programme could be drawn up only when it was known what ships would be available and whether the Shipping Companies were willing to operate their ships on that basis. In the same letter the Companies were invited, if they agreed to the foregoing, to quote fares in two parts,—a figure allowing for normal delays to ships but exclusive of war risk insurance, and, separately, a further figure to cover war risk insurance and abnormal delays due to war conditions. The Scindia Steam Navigation Company replied that it was not willing to participate in the traffic as its claim to be allotted 50 per cent of the traffic was not accepted and because certain operational difficulties were apprehended; it did not quote any figures for fares. As the Scindia Steam Navigation Company was unwilling to accept the only basis on which Government considered it possible, in the circumstances prevailing, to get shipping made available for this year's pilgrimage, the question of further consultation with the Company did not arise and discussions regarding the fare to be charged and the method by which the pilgrim could be relieved of the increase attributable to special war conditions, as foreshadowed in Government's second letter to the Companies, proceeded with the Company which had declared itself willing to participate in the traffic on the basis put forward by Government.

From these facts it will be clear that no comparison can be drawn between the conditions governing Haj sailings last season and those prevailing this year. It will also be clear that the approach to the two Companies by Government was identical up to the stage at which the Scindia Steam Navigation Company, of its own volition, dropped out of the negotiations. Finally it will be clear that as was categorically stated by the Scindia Steam Navigation Company in both its replies to Government, the Company was unwilling to participate in the pilgrim sailings on any basis other than the allotting to it of 50 per cent of the traffic in any allocation that might result from Government's regulation of the shipping arrangements, and therefore the question of consulting it further about the incidence of the charges did not arise. If the Scindia Steam Navigation Company had been willing to operate their ships under the system of regulation proposed by Government, that Company would have been given the same terms as the Mogul Line.

To bring into true perspective the allegations that have been made it is necessary to appreciate

- (1) that expenditure attributable to war conditions was extremely small last season and did not justify any increase in fares,

- (ii) that this "war" expenditure is very heavy during the current season, and
 (iii) that under this year's arrangements the Mogul Line continues to meet the same items as in peace time while the liability assumed by Government is confined to elements which are the creation of the war

Mr. Lalchand Navalrai: May I know what subsidy has been given?

Mr. J. D. Tyson: No subsidy has yet been given

Mr. Lalchand Navalrai: Why was a distinction made between the previous year and this year?

Mr. J. D. Tyson: If the Honourable Member will read the communiqué, he will find the question fully answered there

Mr. Lalchand Navalrai: Without reading the communiqué to which the Honourable Member referred

Mr. President (The Honourable Sir Abdur Rahim) If a communiqué has been issued, the Honourable Member ought to have acquainted himself with that

Mr. Lalchand Navalrai: With reference to (e), may I know if the rates were fixed, and, if so, what were they?

Mr. J. D. Tyson: The fares this year were 13 per cent higher than last year

Mr. Lalchand Navalrai: Did Government allow that?

Mr. J. D. Tyson: Yes

Mr. Lalchand Navalrai: What was the reason? It was not so before?

Mr. J. D. Tyson: War conditions

Dr. Sir Ziauddin Ahmad: Calculating the subsidy which they paid, to what figure does the increase work up to?

Mr. J. D. Tyson: I have already said that no subsidy has been paid

Mr. J. D. Boyle: May I know if the Press Communiqué explains the circumstances which prevented the Scindia Steam Navigation Company from accepting the advantages offered by the subsidy?

Mr. J. D. Tyson: It does

FIXATION OF THE SELLING PRICES OF TANNED HIDES AND SKINS IN ENGLAND.

81. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Commerce Member please state whether Government are aware that British Government fix the price of tanned hides and of tanned skins at which they should be sold in England?

(b) Are those prices fixed in consultation with the Government of India?

(c) Are the sellers consulted about the prices? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) His Majesty's Government fixes from time to time the maximum prices at which Tanned Hides may be purchased in England. The import of tanned skins into the United Kingdom is restricted to a monthly quota but prices are not fixed.

(b) No

(c) Does not arise

Dr. Sir Ziauddin Ahmad: Is it not a fact that the British Government, when the goods are sent to the United Kingdom and they are delivered there, fixes the prices at which these things are to be purchased? Is it not a fact?

The Honourable Sir Muhammad Zafrullah Khan: They fix the maximum price, but they do not fix the actual prices.

Dr. Sir Ziauddin Ahmad: The maximum price is fixed and the price could be lowered, but that maximum price is not the economic price. This maximum price, when it is fixed, ought to be fixed in consultation with the Government of India, because there is a good deal of complaint that the maximum price fixed by the British Government is not an economic price. The sellers are at the mercy of these people when the goods are already delivered in the United Kingdom.

The Honourable Sir Muhammad Zafrullah Khan: I am much obliged to the Honourable Member for the information. The maximum price is fixed and announced from time to time.

Mr. Lalchand Navalrai: May I know why is it that the Government of India are not consulted? Are the Government of India indifferent to it, or is there any other reason?

The Honourable Sir Muhammad Zafrullah Khan: The Government of India are not indifferent, but I do not see that any obligation is cast upon His Majesty's Government to consult the Government of India.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Government of India are responsible for the safeguard of the interests of the people of India, because it is they alone who can safeguard the interests of the traders? When goods are delivered in the United Kingdom and they fix the prices on delivery, the Government of India, as the representative of the traders in this country, ought to intervene and protest, because the prices ought to have been fixed before the goods are sent from this country and not fixed after the delivery has taken place?

The Honourable Sir Muhammad Zafrullah Khan: I have said that the maximum price is fixed and announced from time to time, so that everybody knows what the maximum price is.

Mr. Lalchand Navalrai: Is there any rule or order that the Government of India should not be consulted? Is there any order like that?

The Honourable Sir Muhammad Zafrullah Khan: What has any rule or order to do with this matter?

Dr. Sir Ziauddin Ahmad: Did Government receive any representation complaining that prices are fixed after delivery?

The Honourable Sir Muhammad Zafrullah Khan: I cannot answer that without notice

FALL IN EXPORT TRADE OF TANNED HIDES AND SKINS

82. *Dr. Sir Ziauddin Ahmad. (a) Will the Honourable the Commerce Member please state what is the average annual value of tanned hides and skins prepared in India?

(b) What has been the average annual value of the tanned hides and skins exported from India to foreign countries?

(c) To which countries were those hides and skins exported before the war?

(d) To which countries are they now exported?

(e) What has been the value of export trade in hides and skins in the first nine months of 1940-41 and what were the values during the same period in the two preceding months?

(f) What steps, if any, have Government taken for the consumption of those articles, whose export has been stopped on account of war conditions?

(g) Did the Supply Department make any attempt to purchase tanned leather produced in Southern India? If not, why not?

(h) Is it not a fact that Madras tanners were asked by the Supply Department to supply Dacca hides?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Government have no information

(b) Rs 606 lakhs per annum for the three year period ending 1939-40

(c) Ninety-three per cent of the total value of exports during the two years 1937-38 and 1938-39, went to the United Kingdom, and the balance to Japan, the United States of America, France, and other countries

(d) The United Kingdom mainly, but also to the United States of America, Iraq and other countries

(e) Presumably by 'two preceding months' the Honourable Member means "two preceding years" The value of exports of tanned hides and skins in the first nine months of 1940-41 as compared with the same period of the two preceding years is

	Rs
1940-41 (nine months)	4,91 lakhs
1939 40 "	4,73 "
1938-39 "	3,48 "

(f) If by "those articles" the Honourable Member means tanned hides and skins, the answer to part (e) shows that total exports have increased. In addition there has been increased consumption in India due to the requirements of the Defence Services

(g) Government are purchasing tanned leather in South India

(h) Yes, through an oversight

TENDERS INVITED BY THE SUPPLY DEPARTMENT FOR CERTAIN QUALITY OF CALICO CLOTH

83. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Leader of the House please state whether it is a fact that Government, in the Supply Department, invited tenders for 2,520,000 yards of Calico No 2 width 36" according to the specification No CS 110E?

(b) When and on which date was this information about the tenders published in newspapers?

(c) In which newspapers was it published?

(d) In case it was not published in papers, was it sent privately to various associations and firms?

(e) On which dates was this information issued from New Delhi?

(f) What was the last date for the receipt of the tenders?

(g) From which mills or business firms did Government receive the tenders in Bombay?

(h) What tenders were accepted?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes

(b) and (c) Tenders were not invited through the Press

(d) Sixty-six firms were invited to quote and copies of the invitation to tender were also sent to the Secretaries of the Millowners Associations at Calcutta, Indore, Ahmedabad and Bombay

(e) 9th January, 1941

(f) 14th January, 1941

(g) and (h) List of the firms from Bombay who tendered against the enquiry and of all the tenders accepted are placed on the table

List of firms from Bombay from whom tenders were received against enquiry No SY/X-1/11042 for Calico No 2 White

- 1 M/s Svadeshi Mills, Bombay, through M/s Basheshar Nath & Co, New Delhi
- 2 M/s Tata Mills, Bombay, through M/s Basheshar Nath & Co, New Delhi
- 3 M/s Bombay Co, Ltd, Bombay
- 4 M/s Century Spinning and Weaving Mills Ltd, Bombay
- 5 M/s David Sassoon & Co, Ltd, Bombay
- 6 M/s Sreenivas Cotton Mills Ltd, Bombay, c/o Gore & Co, Bombay
- 7 M/s Modern Mills Ltd, Bombay
- 8 M/s Thackersey Mooljee, Bombay
- 9 M/s E D Sassoon & Co, Ltd, Bombay, through M/s P R Pinhorn & Co, Ltd, New Delhi

List of firms whose tenders were accepted

- 1 Messrs Juggal Kamlapat Cotton Mills, Cawnpore
- 2 Messrs Sutlej Cotton Mills Limited, Okara
- 3 Messrs Cawnpore Cotton Mills Limited, Cawnpore.

- 4 Messrs Monogram Mills Limited, Ahmedabad
- 5 Messrs Thackersey Mooljee & Company, Apollo Street, Bombay
- 6 Messrs Mysore Spinning and Weaving Mills Limited, Bangalore
- 7 Messrs Cotton Agents Limited, Gwahor
- 8 Messrs Lyallpur Cotton Mills, Lyallpur
- 9 Messrs Manek Lal Harilal Mills, Ahmedabad
- 10 Messrs Vijaya Mills, Naroda Road, Ahmedabad
- 11 Messrs Ajit Mills, Ahmedabad
- 12 Messrs Marsden Mills Limited, Ahmedabad
- 13 Messrs Rajkumar Mills, Indore
- 14 Messrs R G Cotton Mills, Lucknow
- 15 Messrs G D Shroff, 61, Cross Street, Calcutta
- 16 Messrs Modern Mills Limited, Bombay
- 17 Messrs Bombay Company Limited, Bombay

Nos 5, 16 & 17 are firms from Bombay

Dr Sir Ziauddin Ahmad. Is the Honourable Member aware that every millowner is not a member of the Millowners' Association?

The Honourable Sir Muhammad Zafrullah Khan: That may be so

Dr. Sir Ziauddin Ahmad In that case, the information sent to the Millowners' Association practically excludes the information to those persons who are not members.

The Honourable Sir Muhammad Zafrullah Khan: But I have already said that sixty-six firms were invited to quote individually also

Dr. Sir Ziauddin Ahmad Is there any difficulty in getting this thing published in the papers so that everybody interested may read it?

The Honourable Sir Muhammad Zafrullah Khan: In this particular case, the obvious urgency of the demand

PROVINCIAL ADVISORY COMMITTEES FOR ADVISING ON PURCHASES

84. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Leader of the House please state whether it is a fact that Government have appointed an Advisory Committee in every Province to give advice on the general questions of purchases?

(b) Who appoints these Committees?

(c) Are these Committees interested in all the articles purchased, or only in the articles purchased by the Indian Stores Department?

(d) In case the Committee is limited to the articles purchased by the Indian Stores Department, what are the other Committees which advise the Government about the purchase of other articles?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. So far only six Advisory Committees have been appointed. They are attached to the

six Controllers of Supplies, and all the Provinces are represented on one or other of these Committees

(b) The Central Government in consultation with the Provincial Governments concerned

(c) and (d) The main function of the Advisory Committees is to offer advice on problems connected with the procurement of supplies. They are not directly concerned with the work of any particular purchasing organisation.

Dr. Sir Ziauddin Ahmad: In view of the fact that several provinces are now creating purchase advisory committees, what would be the relation between these provincial committees and the committees appointed by the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware of provincial advisory committees being created for advice on matters of supply by Provincial Governments.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Provincial Governments have already appointed purchase officers when these purchases are made by the Central Government, and in that case what is the relation between the purchase officer appointed by the Local Government and the purchase officer appointed by the Supply Department?

The Honourable Sir Muhammad Zafrullah Khan: No Local Government has any knowledge appointed any purchase officers for supplies which are required by the Central Government.

UNEQUAL EARNINGS OF THE MACHINEMEN AND INKMEN OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA

85. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Labour Member please state whether it is not a fact that the Government of India Press Hand-book lays down that any Foreman or Assistant Foreman, if he does not distribute work among the piece-workers equally, is liable to dismissal, suspension, degradation, etc.?

(b) Will Government be pleased to state the number and names of machinemen and inkmen of the Government of India Press, Calcutta and their respective earnings from January 1940 to December 1940, month by month?

(c) If there be a difference in their earnings, will Government be pleased to state the reason therefor?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) No

(b) A statement is placed on the table

(c) Variations are inevitable as a result of differences in personal dexterity and in individual class rates and the impossibility of ensuring absolute equality in the matter of distributing work. In the case of the earnings shown in the statement referred to in part (b) the differences, in some cases, were unavoidably accentuated owing to the necessity of confining a special item of work to certain men only.

*Statement showing the number and names of machinemen and inkers of the
1940 to*

Serial No	Name	Designation	Earnings for January 1940			Earnings for February 1940			Earnings for March 1940			Earnings for April 1940		
			Rs	A	P	Rs	A	P	Rs	A	P	Rs	A	P
1	Mr Upendra	Machinemen	80	2	0	79	2	0	75	12	0	74	5	0
2	" Kabool*	Do	78	11	0	84	7	0	96	11	0	48	7	0
3	" Yacoob	Do	92	10	0	83	6	0	93	4	0	87	11	0
4	" Korban	Do	91	1	0	77	11	0	81	9	0	95	8	0
5	" Sk Bachoo*	Do	83	0	0	74	8	0	70	10	0	76	12	0
6	" Alidat Khan	Do	69	3	0	53	8	0	0	2	0	21	2	0
7	" Mohamed Ali	Do	93	15	0	73	6	0	87	3	0	66	1	0
8	" Moftzuddin	Do	77	14	0	85	0	0	76	5	0	76	3	0
9	" Habib	Do	80	0	0	73	10	0	84	15	0	77	14	0
10	" Golam Hyder	Do	89	14	0	75	12	0	87	13	0	80	1	0
11	" Ramjan	Do	57	14	0	64	9	0	74	14	0	66	12	0
12	" Chedi*	Do	78	3	0	56	4	0	78	7	0	90	10	0
13	" Sk Ali*	Do	65	5	0	32	2	0	76	14	0	74	10	0
14	" Ashu*	Do	76	5	0	71	14	0	81	4	0	80	0	0
15	" Hossem*	Do	56	7	0	50	7	0	33	14	0	54	11	0
16	" Monsuralli	Do	67	2	0	56	6	0	72	10	0	63	0	0
17	" Dharendra	Do	58	5	0	44	7	0	47	13	0	58	15	0
18	" Md Ismail	Do	60	11	0	57	11	0	66	5	0	58	4	0
19	" Noor Hossain	Do	65	10	0	66	12	0	67	3	0	69	15	0
20	" Kochi*	Do	60	14	0	66	4	0	79	6	0	80	2	0
21	" Jan Mohammad	Do	40	12	0	30	5	0	58	12	0	64	3	0
22	" Sk Kaloo	Do	49	10	0	45	0	0	38	2	0	30	0	0
23	Mr Bhupendra <i>Temporary</i>	Do	32	2	0	35	10	0	21	5	0	38	6	0
24	" Sk Soofi	Do	57	15	0	53	3	0	54	12	0	80	14	0
1	Sayed Ali	Inker	45	14	0	44	8	0	50	5	0	53	8	0
2	Rowie*	Do	44	14	0	40	15	0	53	3	0	54	0	0
3	Md Hussain Khan	Do	41	13	0	35	9	0	37	0	0	44	2	0
4	Sk Jamir	Do	24	2	0	45	7	0	43	13	0	48	10	0
5	Sk Felu*	Do	42	4	0	39	3	0	49	10	0	55	10	0
6	Md Yasin	Do	52	13	0	41	13	0	48	10	0	45	2	0
7	Sukur	Do	61	12	0	47	6	0	51	8	0	38	2	0
8	Md Jahur	Do	49	13	0	44	14	0	50	3	0	55	15	0
9	Feru	Do	49	10	0	38	8	0	49	1	0	59	0	0
10	Ab Sattor*	Do	55	0	0	52	5	0	45	14	0	59	1	0
11	Panchoo*	Do	37	12	0	38	7	0	42	6	0	45	3	0
12	Moftzuddin	Do	35	4	0	45	1	0	46	14	0	47	10	0
14	Roetam Ali*	Do	37	13	0	43	2	0	47	15	0	49	2	0
18	Ab Aziz	Do	28	3	0	26	12	0	46	10	0	35	13	0
15	German Gomes <i>Temporary</i>	Do	34	11	0	34	7	0	40	15	0	36	12	0
16	Sree Gauranga Gangalce	Do	41	7	0	35	4	0	37	11	0	43	2	0

* Men entrusted with Census printing
† Injured

Government of India Press, Calcutta and their respective earnings from January December, 1940

Earnings for May 1940	Earnings for June 1940	Earnings for July 1940	Earnings for August 1940	Earnings for September 1940	Earnings for October 1940	Earnings for November 1940	Earnings for December 1940	Total earnings for 12 months
Rs A P	Rs A P	Rs A P	Rs A P	Rs A P	Rs A P	Rs A P	Rs A P	Rs A P
76 3 0	55 5 0	71 5 0	76 8 0	94 3 0	36 13 0	54 2 0	100 7 0	874 3 0
62 12 0	98 1 0	115 7 0	123 12 0	174 0 0	39 11 0	67 6 0	123 11 0	1,113 0 0
96 4 0	72 7 0	75 2 0	101 13 0	76 13 0	39 3 0	68 15 0	82 12 0	970 4 0
86 11 0	66 4 0	80 10 0	109 9 0	80 6 0	38 15 0	60 12 0	107 13 0	976 13 0
80 2 0	81 11 0	96 12 0	104 2 0	139 7 0	71 0 0	95 6 0	115 12 0	1,089 2 0
64 11 0	64 13 0	109 1 0	100 12 0	118 7 0	32 0 0	96 0 0	106 14 0	809 9 0
74 2 0	56 6 0	85 2 0	98 7 0	77 13 0	28 14 0	70 12 0	92 6 0	904 7 0
84 1 0	21 5 0	55 15 0	91 13 0	67 4 0	29 1 0	39 4 0	102 10 0	806 11 0
85 11 0	73 3 0	78 4 0	31 0 0	41 6 0	39 10 0	69 0 0	99 1 0	763 10 0
95 1 0	76 5 0	82 11 0	91 7 0	86 8 0	51 8 0	71 8 0	102 0 0	900 8 0
58 5 0	51 0 0	73 9 0	95 5 0	66 2 0	29 2 0	57 15 0	98 2 0	793 0 0
95 1 0	103 5 0	116 5 0	106 10 0	172 7 0	30 6 0	57 11 0	95 9 0	1,080 14 0
97 1 0	98 15 0	124 15 0	120 14 0	172 1 0	24 13 0	60 12 0	59 7 0	1,007 18 0
93 8 0	99 4 0	109 6 0	111 5 0	159 6 0	35 11 0	59 2 0	94 5 0	1,071 6 0
51 3 0	50 4 0	74 12 0	55 15 0	52 12 0	35 6 0	72 8 0	104 7 0	692 10 0
48 12 0	56 9 0	64 11 0	80 7 0	78 14 0	35 14 0	60 9 0	68 12 0	753 10 0
63 4 0	55 6 0	62 10 0	55 4 0	69 2 0	33 11 0	78 9 0	87 3 0	714 9 0
57 0 0	67 10 0	66 3 0	43 7 0	42 13 0	21 0 0	57 7 0	69 8 0	667 15 0
65 15 0	65 4 0	78 3 0	89 7 0	110 8 0	46 0 0	65 13 0	79 10 0	870 4 0
89 4 0	96 9 0	114 0 0	114 5 0	171 2 0	39 6 0	60 12 0	63 5 0	1,035 5 0
54 7 0	67 5 0	50 14 0	80 5 0	77 10 0	36 11 0	87 0 0	104 7 0	752 11 0
45 12 0	42 4 0	47 1 0	39 7 0	32 14 0	26 0 0	45 14 0	54 1 0	496 1 0
42 7 0	38 10 0	48 8 0	40 0 0	43 8 0	24 7 0	44 5 0	60 13 0	479 15 0
108 5 0	55 12 0	70 9 0	85 13 0	135 4 0	49 1 0	67 11 0	88 3 0	902 6 0
22 4 0	49 3 0	77 12 0	67 15 0	50 8 0	15 14 0	47 2 0	69 8 0	594 5 0
58 10 0	65 3 0	85 6 0	87 10 0	116 7 0	20 6 0	40 15 0	37 12 0	705 5 0
50 7 0	40 11 0	51 6 0	61 14 0	45 10 0	19 10 0	27 13 0	69 1 0	525 0 0
50 3 0	42 12 0	52 2 0	75 4 0	46 9 0	23 4 0	37 2 0	61 7 0	550 11 0
61 4 0	64 5 0	83 3 0	83 5 0	104 7 0	20 2 0	33 2 0	58 4 0	694 11 0
58 0 0	41 7 0	34 12 0	70 0 0	49 12 0	36 6 0	42 5 0	57 6 0	578 6 0
56 6 0	49 6 0	54 10 0	67 10 0	57 3 0	33 0 0	36 7 0	64 15 0	618 5 0
57 0 0	40 13 0	48 14 0	63 2 0	77 14 0	37 1 0	45 13 0	58 10 0	620 0 0
49 4 0	39 14 0	52 15 0	58 3 0	51 11 0	25 1 0	67 2 0	44 12 0	585 1 0
62 1 0	66 9 0	83 1 0	87 0 0	112 14 0	25 4 0	34 8 0	58 5 0	741 14 0
55 4 0	59 9 0	70 10 0	68 7 0	106 0 0	17 13 0	29 4 0	35 3 0	600 14 0
52 12 0	46 5 0	47 2 0	64 10 0	59 6 0	20 5 0	44 2 0	47 8 0	556 15 0
64 6 0	63 13 0	70 10 0	60 8 0	125 4 0	33 12 0	42 1 0	72 13 0	711 3 0
41 1 0	35 2 0	82 5 0	59 15 0	59 11 0	19 10 0	35 10 0	62 6 0	483 2 0
24 1 0	29 10 0	36 11 0	46 0 0	64 9 0	26 5 0	32 13 0	33 7 0	440 5 0
40 2 0	35 2 0	49 7 0	54 14 0	48 4 0	21 8 0	37 13 0	38 12 0	483 6 0

from April to December, 1940.

BENGALIS RECRUITED TO THE AIR PILOT SERVICE, MARINE ENGINEERING SERVICE, ETC

86. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable Member for Commerce be pleased to state how many Indians have been taken into Air Pilot Service? How many of them are recruited from Bengal?

(b) How many have been employed or recruited from Bengal for Marine Engineering Service?

(c) How many Indians have been taken for training in the "Dufferin" as cadets, and how many of them are from Bengal?

(d) How many lascars died during the war period on account of vessels sunk by enemy attacks on the seas? What compensation has been paid to their families?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudahar: (a) Government are not aware of any Air Pilot Service

(b) It is presumed that the Honourable Member has in mind the engineering ex-cadets of the Training Ship "Dufferin" who have been awarded scholarships for undergoing training in Marine Engineering in India. The number of such cadets is 59. None of them is from Bengal.

(c) Since the establishment of the Training Ship "Dufferin", 549 Indian cadets have been admitted of whom 44 came from Bengal.

(d) Reports received up to the 31st January, 1941 show that 620 lascars have been killed as a result of enemy action. Their dependants are entitled to receive compensation in accordance with the scale embodied in the Additional Clause regarding War Risk Compensation which is now inserted in the Lascar Articles of Agreement. A copy of the Additional Clause is laid on the table.

Additional clause to Lascar Articles.

Provided further that, as compensation will be paid by His Majesty's Government in the United Kingdom in respect of death or disablement directly attributable to war injuries, it is agreed that no other claim for compensation shall be made in respect of any such death or disablement.

The United Kingdom Government Scheme for compensation will provide for the following rates of compensation, these rates being based on the customary rates of pay in force before the 1st September 1939 of lascar seamen of the different classes without any addition by way of victualling allowance.

1 Disablement Allowances

In respect of total disablement due to war injuries a disablement allowance in full settlement of all claims will be paid as follows:

<i>*Seamen's pay per month</i>		<i>Allowance</i>
1st Class	From 40 rupees upwards inclusive	5,000 rupees
2nd Class	From 30 to 39 rupees inclusive	4,000 rupees
3rd Class	Under 30 rupees	3,000 rupees

Lesser degrees of disablement, if specified in Schedule I to the Workmen's Compensation Act, 1923, being Act No VIII of the Indian Legislature, as amended from time to time, will be compensated on the basis of the scale contained therein; other war injuries not resulting in total disablement will, if assessed at 25 per cent. or more be dealt with on a proportionate basis.

2 Widows' Pensions

<i>*Husband's pay per month</i>	<i>Widow's Pension</i>
1st Class From 60 rupees upwards inclusive	15 rupees monthly
2nd Class From 40 to 59 rupees inclusive	12 rupees monthly
3rd Class From 30 to 39 rupees inclusive	10 rupees monthly
4th Class . Under 30 rupees	8 rupees monthly

The Widow's Pension will cease on remarriage

*The rate of pay to be taken for this purpose is the customary rate of pay in force before the 1st September 1939 of the rating of the seaman at the date of death or disablement without any addition by way of victualling allowance

(a) *Children's Allowances*

An extra 2 rupees a month to be allowed in all classes for each child up to the age of 14 years. In the case of motherless children 4 rupees will be allowed instead of 2

(b) *Other dependants*

If no Widow's Pension is awarded then in necessitous cases allowances may be made to other dependants up to but not exceeding the amount of the Widow's Pension. The amount awarded within these limits will be based on the degree of dependency

3 *Definition of War Injuries*

For the purpose of these compensation arrangements

"War injuries" means physical injuries—

(a) caused by—

- (i) the discharge of any missile (including liquids and gas), or
- (ii) the use of any weapon, explosive or other noxious thing, or
- (iii) the doing of any other injurious act, either by the enemy or in combating the enemy, or in repelling an imagined attack by the enemy, or

- (b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of, His Majesty or any allied power, or any part of, or any thing dropped from, any such aircraft

WORKING HOURS OF LABOUR IN CERTAIN MILLS AND FACTORIES AND IN RAILWAY WORKSHOPS

87. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Commerce Member be pleased to state the working hours of labour (a) in jute mills, (b) in-munition factories, (c) in railway workshops, and (d) in company-conducted textile mills?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Under the Factories Act the normal working hours of adult labour in perennial factories generally are ten a day and 54 a week. The Provincial Governments have, however, exempted some factories employed on war work from restrictions on working hours

Mr. N. M. Joshi: May I know whether jute mills are amongst those which are exempted?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes, Sir, they are.

Dr. Sir Ziauddin Ahmad: Are they paid over-time allowance?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Of course.

GRANT TO THE BOARD OF SCIENTIFIC AND INDUSTRIAL RESEARCH

88. *Mr. Amarendra Nath Chatteropadhyaya: Will the Honourable the Commerce Member be pleased to state if Government have sanctioned five lakhs of rupees for scientific researches? If so, will the Honourable Member be pleased to state if this will be the only amount for the purpose, or have the Government of India in contemplation the sanction of another equal amount for the purpose of such researches? If not, will the Honourable Member be pleased to state if he has considered that more funds are necessary for actual scientific research for industrial development of India, specially during the War?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: *Part 1.* --A sum of Rs 5 lakhs has been allotted for expenditure on the Board of Scientific and Industrial Research and the research schemes recommended by it for the financial year 1940-41. It is, however, estimated that owing to preliminary difficulties of organization and the delay in obtaining the apparatus required for carrying on certain researches on account of the conditions created by war a sum of about Rs 3,54,000 will only be utilised during the current year.

Parts 2 and 3 —Government have taken into consideration these points in making provision for the Board of Scientific and Industrial Research in the Budget for 1941-42.

Dr. Sir Ziauddin Ahmad: May I know whether the results of these scientific inquiry committees are the property of the Government and that they cannot be used by any industrialists except when they pay for it, or, if they are patented, then in whose name are they patented?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The patent rights of these results of scientific research will vest in the Government of India.

Dr. Sir Ziauddin Ahmad: And not in the individuals who really get these patents?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The patent is obtained in the name of the Government of India.

REPORT OF THE COMMITTEE OF ENQUIRY (DEARNESS ALLOWANCE) OF THE GREAT INDIAN PENINSULA RAILWAY

89. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Labour Member be pleased to lay on the table the report of the Committee of Enquiry (Dearness allowance) of the Great Indian Peninsula Railway?

(b) When dearness allowance is an All-India question, why was the Enquiry restricted to the Great Indian Peninsula Railway?

(c) Had the Government of India accepted the principle of raising the salaries on account of rise in prices?

(d) Is the rise in prices restricted to Bombay?

(e) Did the Government of India visualise the financial effect on the Railway Budget and on the General Budget by the increase in salaries?

(f) Was the approval of the Railway Finance Committee obtained for the expenditure on the Enquiry Committee? If not, why not?

(g) When do Government propose to issue a *communiqué* on the report of the Committee of Enquiry?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Copies of the Report are available in the Library of the Central Legislature

(b) The attention of the Honourable Member is invited to para 4 of Labour Department's Resolution No L1714, dated the 7th August, 1940, published on page 1186 of Part I of the *Gazette of India*, dated the 10th August, 1940

(c) Government have never accepted the principle that a temporary rise in prices justifies an increase in salaries. Government, however, do recognise that a substantial increase in the cost of living may justify a temporary allowance over and above the basic salary for personnel whose basic salary is insufficient to absorb such a rise without hardship. These temporary allowances, if and when granted, are subject to the condition that they disappear when the circumstance justifying their grant itself disappears

(d) No

(e) No recommendations, the acceptance of which would involve substantial expenditure, are ever accepted without a careful examination of the effect upon the budget

(f) The expenditure was met from the general revenues and no reference to the Railway Finance Committee was necessary.

(g) Government will make known their conclusions on the Committee's Report in an appropriate manner as soon as a decision has been reached on the action to be taken

Dr. Sir Ziauddin Ahmad: In view of the fact that the Honourable the Railway Member looks after the interests, not only of railway labour, but of labour generally, will he consider the question of labour generally in deciding this issue, and not restrict his decision only to the railway labour?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The Railway Member does not look after the conditions of labour generally

Dr. Sir Ziauddin Ahmad: I am sorry, in view of the fact that the Honourable the Labour Member is in charge of labour throughout India, may I ask whether he will consider the requirements of labour in general employed by the Central Government in coming to a decision on this issue?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am certain that the Governor General in Council will look after the interests of all labour

Dr. Sir Ziauddin Ahmad: May I ask if his interest extends to labour in general, then why is this inquiry which has been referred to in this communiqué restricted to the railway labour?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, the *Gazette of India* notification to which I referred will give the full answer to that question. A court of inquiry was appointed under a specific

Statute and certain preliminaries have had to be gone through before such a Court of Inquiry is appointed. It was with reference to those statutory conditions that this particular Court of Inquiry was appointed.

Mr N. M. Joshi: May I ask whether a copy of the report will be given to the Members of the Legislative Assembly?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I am perfectly willing to give copies to anybody who is interested in this report. I shall be glad to supply all the Members with a copy of the report if it is the general desire that they are particularly anxious to read it.

Mr. Muhammad Azhar Ali: Is this report restricted to the Great Indian Peninsula Railway only?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I would again invite the attention of the Honourable Members to the *Gazette of India* Notification in which it is stated that any principles laid down with reference to this Railway will be adopted by the Government of India as far as possible with reference to other Railways also.

UNSTARRED QUESTIONS AND ANSWERS

SUPERSESSION OF CERTAIN MUSLIM CLERKS IN THE INDIAN STORES DEPARTMENT

8. Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Leader of the House please state how many permanent clerks in the Second and Third Divisions were promoted to the First Division in the Indian Stores Department from 1st April, 1939, to 21st November, 1940, and how many of these were Muslims?

(b) How many Muslims were superseded in spite of their seniority?

(c) Did the Honourable Member personally examine the reasons for the supersession in each case? If not, why not?

(d) Who usually makes these promotions in the Indian Stores Department?

(e) Is there any Muslim in a responsible position in the ministerial staff in the Establishment Section?

The Honourable Sir Muhammad Zafrullah Khan: (a) 37, of whom two were Muslims. All these promotions were made in purely temporary vacancies in connection with the War Supply Arrangements.

(b) Eleven, of whom one has since been promoted to a special appointment in the I Division.

I would in this connection point out that promotions are made strictly by selection from among the most meritorious candidates.

(c) No. The Chief Controller of Stores is the authority competent to deal finally with such cases.

(d) During the period mentioned by the Honourable Member, the following officers were authorised to make these promotions:

Deputy Director of Administration and Intelligence Officer on Special Duty (Administration) Deputy Chief Controller of Stores

(e) Yes At present there are five Muslim Assistants and Clerks dealing with establishment cases

FINDINGS OF THE JUTE CONFERENCE

9. **Dr. Sir Ziauddin Ahmad:** Will the Honourable the Commerce Member lay on the table of the House the findings of the Jute Conference held in December 1940?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: A summary of the proposals drawn up at the Jute Conference held in December, 1940, is laid on the table of the House

(1) The Mills will do their utmost to purchase jute during the period ending April 15th, 1941, according to the following programme

By 15th January	15 lakhs bales
By 15th February	25 " "
By 15th March	32½ " "
By 15th April	37½ " "

(2) This will be exclusive of any jute of quality lower than "bottom" other than cuttings, "bottom" to be defined as jute containing not more than 70 per cent. of sacking weight

(3) The jute to which the programme applies will be bought at prices not lower than the following

	Per maund middles	Bottoms.
Indian district	Rs 7 12 0	Rs 6 0 0
Indian Jat	Rs 8 4 0	Rs 6 8 0
European Packed	Rs 8 8 0	Rs 6 12 0

Unassorted Dassees in drums . . . Rs. 6 0 0 per maund

(4) Jute excluded from the buying programme under (2) above will be subject to no price agreement

(5) If in any of the four periods referred to in the above buying programmes the Mills are unable to purchase the full amount stipulated, and if prices have not risen by more than 4 annas per maund above the agreed minimum prices referred to in (3) above, the Association will arrange to purchase jute up to the stipulated totals on behalf of Government, on the following terms

(i) The Association will act as agents for all Government purchases, ensuring that qualities are according to standard and such as can reasonably be utilised in mills' manufactures and therefore marketable

(ii) The Association will arrange for the mills to give storage facilities for the jute, for a period which will not exceed 18 months except by mutual agreement

(iii) Mills which give storage facilities will be paid a godown rent of one anna. per maund per annum

(iv) The Government will be responsible for insurance against all risks, to the extent that they may wish to have this effected, and will take all responsibility for deterioration, wastage, loss of weight and risk of failure to recover under sellers' guarantees for defects

(v) The Government will be responsible for actual inward and outward handling charges except in respect of jute sold to a mill in which it is stored on their behalf

(vi) The mills will make no buying charges

(6) The Government will be responsible for the financing of purchases effected on their behalf, subject to any arrangement that may be made on a voluntary footing with Mills under which they will participate in such financing or relieve Government of it altogether

OFFICERS IN THE SUPPLY DEPARTMENT AND THE OFFICE OF THE DIRECTOR OF CONTRACTS

10. Dr. Sir Ziauddin Ahmad: Will the Honourable the Leader of the House lay on the table of the House a statement showing the following particulars about the officers in the Supply Department and the office of the Director of Contracts

- (a) the dates of appointment,
- (b) the salaries on which appointments were made,
- (c) the positions which the officers occupied before appointment,
- (d) the salaries they were drawing just before their appointment, and
- (e) their present salary?

The Honourable Sir Muhammad Zafrullah Khan: A statement is being prepared and will be placed on the table in due course.

RESTRICTION IMPOSED ON MUSLIM SALESMEN BY THE WESTERN W. I COMPANY, BAREILLY

11. Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Commerce Member state whether the match industry is a protected industry?

(b) Is it not a fact that protection to the industry is given for the benefit of the country and not for the benefit of any particular community?

(c) Are Government aware that the Western W I Company, Bareilly with a trade mark of Tikka Company, has made a rule that no Muslim will be given more than one case for sale per month, but no such restriction is imposed on non-Muslim salesmen? Is racial discrimination permissible in trade?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b) Yes, Sir

(c) I have no information on the subject but I have called for a report

STATEMENTS LAID ON THE TABLE

Information promised in reply to starred question No 46 asked by Dr Sir Ziauddin Ahmad on the 11th November, 1940

STEPS FOR THE DEFENCE OF INDIA

*A Review of the recent course of the war and of the present strategic situation
Dated 9th December 1940*

India, with Great Britain and the rest of the Commonwealth, has now been at war with Germany for over 15 months and with Italy for some six months. In this general review of the situation and of the progress of the war, it is not proposed to recapitulate the events which led to the defeat of Poland, Denmark, Norway, Holland, Belgium and finally of France. This survey, therefore, relates to the period subsequent to the entry of Italy into the war and the collapse of France, and more particularly to developments since August, 1940.

In the months that have elapsed since the overwhelming events of May and June, the Commonwealth, thrown back on its own resources, but with the growing practical sympathy and help of the United States of America, has passed through the gravest crisis in its history.

This does not mean that there is not a hard and bitter struggle still to come. Our enemies are a long way from defeat and still retain the initiative which will continue to be theirs until we have not only fully recouped the loss in strength and equipment resulting from the downfall of France, but have also developed power to take the offensive.

Fortunately for ourselves and for our Allies, the German reduction of France, and Italy's emergence as a belligerent were not followed up by either Germany or Italy with that speed in assault which might have produced, if not a catastrophe, at least an extremely dangerous situation. Italian activity in the Mediterranean and in North Africa was hesitant, while what is popularly known as the German *Blitzkrieg* against the British Isles did not get under way until the beginning of August by which time Germany had completed the necessary concentrations for the invasion of the British Isles. The morale of the German armies and Air Force was high, long range artillery was in position along the channel coast. The first objective was to gain command of the air, under cover of which the enemy might hope to attempt a seaborne invasion of Britain on a large scale. The major attack was opened in August by massed daylight raids, but this first phase met with a resistance not previously experienced by the German Air Force in its continental campaigns. In the first week of attack on Britain, the Germans lost 500 aircraft confirmed, and 230 unconfirmed, against 190 British aircraft lost. This relative rate of losses continued until the casualties inflicted on the enemy forced a change of tactics.

Air attacks on Britain have since been confined to smaller formations of bombers or fighter bombers, heavily escorted, daylight raids have progressively decreased. Nevertheless, in the air the relative rate of loss has remained the same—approximately between three and four German aircraft to one British. The ratio of loss in respect of pilots and crews has been greater, being at least five to one.

In the meantime, Britain's ground defences against air action have been daily strengthened, with the result that night attack, while it has not proved so expensive to the Germans as daylight raids, has been rendered increasingly inaccurate by the height at which the raiders are forced to fly. The enemy then resorted to indiscriminate bombing in an effort to break the morale of the civil population. There have been heavy civilian casualties yet despite an average of 4,000 killed and wounded a week, these promiscuous attacks have had comparatively little material influence on the course of the war. There has been widespread destruction of residential property by high explosive and incendiary bombs and parachute mines but the damage to factories or installations of military importance has been considerably less than might have been expected in view of the nature and weight of the assaults delivered.

Despite the loss of French assistance, the Mediterranean Fleet and the Middle East Air Command unhesitatingly took the offensive against Italy. The Royal Navy and the Royal Air Force have, during these last months, borne the brunt of the fighting. An air offensive has been carried deep into Germany and Italy and has been concentrated on military objectives, industrial plants and installations, the destruction of which has definitely handicapped the war effort of the enemy. In August and September, air and naval action was mainly directed against the threat of invasion. Reconnaissance revealed the massing of troops, barges and specially constructed landing craft in coastal areas stretching from Norway in the North Sea to the Atlantic coast of France. Against these concentrations heavy bombardment was directed by air and sea and the extent and weight of attack undoubtedly prevented the projected invasion from materializing. The threat has not been eliminated but Great Britain, by her own industrial effort and by increasing assistance received from overseas, has gathered and continues to gather a degree of strength which makes the German task progressively more formidable. While Britain's offensive action has been largely concentrated on what have been called the invasion ports and their supplementary aerodromes, long range attacks by air have steadily increased in intensity. Throughout enemy territory, munitions factories, oil plants, power stations, shipbuilding centres, railway marshalling yards, bridges, viaducts and canals, have been subjected to unrelenting assault. The Royal Air Force has not only attacked the main industrial regions of Germany in the Ruhr and of Italy in the North, but has reached military objectives as far afield as Naples, Danzig and Czechoslovakia.

Italy has so far failed to develop a situation favourable to the Axis Powers in the Mediterranean and North Africa. The collapse of metropolitan France, with the resulting immobilization of the French Colonial Empire, naturally had serious reactions on the strategic position. British and French plans for mutual protection in the Mediterranean were automatically nullified. The Middle East Command was faced with the responsibility of providing alone for the security of our own frontiers in

North Africa, Asia Minor and in the Mediterranean and of maintaining confidence among our friends both there and in the Balkans. These commitments were enlarged by the possibility of the whole of the Italian forces being concentrated against ourselves. This situation arose at a time when it was virtually impossible to provide land, sea or air reinforcements from the British Isles. It is true that the defence of these North African territories is made easier by their immensity, by the absence of communications and the consequent difficulty of maintaining large forces in the waterless deserts which lie across the enemy's path, but this was our only advantage.

However, despite a heavy superiority in men and armaments, the enemy forces on the Sudan, Kenya and Egyptian fronts, did little more than make token incursions across the frontiers. From Eritrea, Abyssinia and Italian Somaliland their offensive operations against thinly defended outposts on the borders of the Sudan and Kenya were carried out by well equipped forces with heavy air support. In every case the small units garrisoning the posts were successfully withdrawn after inflicting heavy casualties on the attacker and forcing him to expend a disproportionate quantity of fuel and munitions. In this phase the British operations in Somaliland provided the most striking occurrence. The neutralization of French Jibuti had upset the balance of strength on the African littoral of the Red Sea. A small mixed force of British, Indian and African troops garrisoned British Somaliland which was invaded by the Italian forces in overwhelming strength. Our troops gradually withdrew in the face of heavy armoured and air attack but, up to the moment of evacuation from Berbera, opposed the enemy advance with remarkable skill, courage and determination. The Italians suffered at least ten times as many casualties as our force and were forced to use up large quantities of equipment, fuel and munitions, which cannot be replaced in Italian East Africa unless that territory is relieved from its present isolation. The measure of the effectiveness of the resistance put up in British Somaliland was that the withdrawal was not followed up and our troops embarked almost unmolested from Berbera under cover of naval units. The Italians acquired a new military commitment, which from no point of view could be regarded as a strategic asset, while our small garrison having played its part became available to reinforce more vital points at the most critical time.

On the borders of the Sudan the Italians have made no forward move since their limited advance and occupation of frontier posts like Kassala and Gallabat. On the other hand our troops have persistently harassed the enemy's advance posts with marked success, while early in November Indian and other units for the first time took the offensive and inflicted heavy casualties on the enemy particularly at Gallabat. Similarly on the Kenya Abyssinian border little initiative has been displayed by the enemy since their occupation of the frontier post of Moyale. Meanwhile, the Royal Air Force and the South African Air Force have repeatedly raided barracks, troops, motor transport, petrol dumps and other military targets, in the knowledge that the damage that they do can hardly be made good throughout Eritrea, and Abyssinia. Light naval forces have also recently bombarded Mogadiscu and other posts of Italian Somaliland, causing considerable damage to harbour works and shipping.

Despite release from any danger of attack from French Tunisia, it was not until early in September that Marshal Graziani began his long threatened invasion of the western frontier of Egypt. The incursions of our small mobile patrols across the Libyan frontier and the resultant harassment of Italian outposts like Capuzzo, combined with unremitting bombing of military bases and ports at Tobruk, Derna and Benghazi proved a material handicap to the enemy. When eventually his forward move took place, we withdrew as originally intended from Sollum and Sidi Barrani, which were never seriously defended owing to the great difficulty of maintaining any substantial force in distant desert areas. This problem was hampered by destruction raids by land, sea and air. Sixty miles further east, but still 150 miles from Alexandria and the Nile, our western desert army encircles the only considerable water supply along the whole stretch from Benghazi to Alexandria itself. There our troops await any further move by the enemy.

The Italian attack on Greece is the most recent major development in the Mediterranean sphere of operations. The extent to which the position has been improved during the past few months is illustrated by the fact that we were able immediately to send practical help to Greece.

Except for the German penetration of Rumania, the full strategic implications of recent diplomatic activity in eastern Europe still remain to be developed. If the Italian attack on Greece, with or without German assistance were ultimately successful, it would bring the enemy within striking distance of Asia Minor. It has, on the other

hand, provided opportunities, which were quickly seized, for increased naval and air action against Italy. The highly successful attack by the Fleet Air Arm at Taranto has already materially altered the relative naval positions in the Mediterranean. For the first time Italian communications are also subject to bombardment in the Adriatic. On land the Greek Army and Air Force have up to the present achieved remarkable successes against the invader.

The Royal Navy, with assistance in coastal areas from the Royal Air Force, continues to deny the seas to enemy shipping, and to preserve the lifelines of the Commonwealth's communications. The loss of the major part of French co-operation has been a serious handicap. The resultant shortage in destroyers, so essential for convoy work, imposed grave difficulties and was the direct cause combined with the enemy's arrival on the Atlantic coast of France, of a sharp rise in our shipping losses. That shortage, however, is now being made good by fresh building and by assistance received from the United States. Despite increased use of aircraft, mines, submarines, armed speed boats and heavy coastal artillery, the attempt to blockade Great Britain has fallen far short of German expectations. The weekly imports into Great Britain even during the last three weeks of October averaged nine hundred thousand tons. During that period of intense enemy action our losses were 29 out of 2,532 ships in convoy. The Royal Navy, the British Mercantile Marine and the fleets and merchant services of our Allies are daily fulfilling a vital role not merely by blockading the Axis ports but by enabling food, personnel, raw materials and munitions to be carried over thousands of miles of ocean between all parts of the Commonwealth and from neutral States.

The foregoing outline of the military situation is naturally related to more widespread strategic considerations. The defeat of France was followed by confusion throughout that country's colonial Empire. The neutralization of Tunisia, Algeria and French Morocco, seriously affected not only the balance of power in the Mediterranean but communications between North Africa and Britain. The same was true of the French Colonies in West and Central Africa, but the alighting of French Equatorial Africa with General de Gaulle and the Free French movement was of more material importance than is superficially apparent. In Syria the demobilization of French troops is proceeding. In the Far East again, the entry of Japanese troops and Air Forces into French Indo China has presented new problems. A British Commander in Chief has recently been appointed in the Far East with a joint Military and Air Staff.

The task of this Government in assisting the war as a whole to a successful conclusion and of ensuring the security of India itself is to make the maximum contribution to the common pool of material resources and to supply such fully equipped military formations as can be produced to forestall any direct threat towards India from east or west. The tendency for the war to spread continues, how far it may go depends on a variety of unpredictable factors. The British Commonwealth has today reached a degree of preparedness, which would have been thought impossible a few months ago, and notable successes have been achieved. The present, however, is not a time for either complacency or undue optimism. The culminating point of the war has not yet been reached. India has been fortunate in that so far she has been left in peace to prepare her plans, but it would be unwise to believe that she will always be able to maintain her present enviable position. There are possibilities of danger, both from the west and the east, and consequently the best possible use must be made of the time granted to us to prepare for the trials which we may be called upon to face in the future.

Information promised in reply to starred question No 191 asked by Sardar Sant Singh on the 20th November, 1940

BROADCAST OF SIKH RELIGION AND HISTORY BY THE LAHORE, PESHAWAR AND DELHI BROADCASTING STATIONS

(a) The time allotted during the year 1939-40 to items referred to was 3 hours 24 minutes at Delhi and 11 hours 11 minutes at Lahore. Peshawar relayed 2 hours 15 minutes of the programmes from Delhi.

(b) (i) *Lahore* Guru Arjun Dev's Anniversary, 22nd May, 1939, Maharaja Ranjit Singh's Centenary, 25th and 29th June, 1939, Guru Ram Das's Anniversary, 30th October, 1939, Guru Nanak's Birthday Anniversary, 26th November, 1939, and Guru Gobind Singh's Anniversary, 16th January, 1940. (ii) *Delhi* Guru Nanak's Birthday, 26th November, 1939. (iii) *Peshawar* relayed the major portion of the Delhi programme of 26th November.

(c) Four at Delhi and nine at Lahore Their names and status are given in the appended statement

(d) Eleven at Lahore, two at Delhi, of which one was relayed at Peshawar

(e) Eleven to Muslims and eleven to Hindus

(f) No

(g) Rs 532 to Sikhs Rs 1,079 to Hindus and Rs 1,971 to Muslims

Statement showing the names of the Sikh speakers who participated in programmes broadcast from Delhi, Lahore and Peshawar on important Sikh festivals during 1939-40

Name of station	Name of speaker	Status in life
Delhi and Peshawar	1 S B S Ujjal Singh	M L A, Parliamentary Secretary, Lahore
	2 The Honourable S B S Sobha Singh	Member, Council of State, Delhi
	3 S Umrao Singh Shergil	Jagirdar, Delhi
	4 Professor Teja Singh	Head of the Department of English, Khalsa College, Amritsar
Lahore	1 Professor Mohan Singh Mahir	Editor, Punjab Darya, Lahore, formerly Lecturer at Khalsa College, Amritsar
	2 S Achhar Singh	Jathedar, Shri Gurdwara Prabandhak Committee, Lahore
	3 S B S Ujjal Singh	M L A, Parliamentary Secretary, Lahore
	4 S Kashmira Singh	Head of the Department of English, Sikh National College, Lahore
	5 S Sant Singh Sukhun	Lecturer, Khalsa College, Amritsar
	6 Giani Gurmukh Singh Musafir	Editor of the "Akali", Lahore
	7 Professor Madan Gopal Singh	Vice Principal, Central Training College, Lahore
	8 S Teja Singh	Head of the Department of English, Khalsa College, Amritsar
	9 Sardar S S Amola	Principal, Guru Ram Das College, Amritsar

Information promised in reply to unstarred question No 139 asked by Mr Muhammad Azhar Ali on the 20th November, 1940

COOLY CONTRACTS IN MORADABAD, LUCKNOW AND ALLAHABAD DIVISIONS, EAST INDIAN RAILWAY

The terms of the cooly contracts on these three Divisions are embodied in the respective agreements entered into by the contractors with the East Indian Railway. These contracts have been obtained from the Administration, but their terms cannot be conveniently summarised. The complete contracts are available for inspection in the office of the Railway Board

Information promised in reply to parts (c) and (d) of starred question No 225, part (a) of starred question No 226 and part (a) of starred question No 229 asked by Sardar Sant Singh on behalf of Sardar Mangal Singh on the 22nd November, 1940

GERMAN AND ITALIAN DETENUS IN INDIA AND PUNJABEE DETENUS UNDER THE DEFENCE OF INDIA ACT

No 225 —(c) 147 on the 22nd November, 1941

(d) *Persons detained in the Punjab*—There is no sanctioned scale of expenses. The daily cost of food of better class prisoners works out approximately in the case of non meat eaters at Re 0 7 6 and in the case of meat eaters at Re 0 9 3. The cost of diet of other prisoners is approximately Re 0 16 daily. The prisoners can supplement their diet from outside. They are provided with approved newspapers, books and writing materials. Where conditions permit arrangements are made for games, both indoor and outdoor. They are allowed to use their own clothes and bedding and if necessary provided with these articles by Government. They are also provided with beds and furniture. Prisoners are permitted to receive funds up to a limited amount from relatives or friends to supplement the amenities of life in the Jails.

Prisoners detained in the Dooli Detention Camp—The scale of diet for Class I prisoners is 12 annas per day and that of Class II prisoners 6 annas per day. The prisoners are provided with suitable furniture, clothing, cooking and eating utensils, soap, neem stick, hair oil (in the case of Sikhs), newspapers, books and writing materials. They can use their own clothes and bedding and purchase toilet articles at their own cost. Facilities have been provided for outdoor and indoor games and for gardening. Convict barbers and convict servants have been provided as also washermen for washing the prisoners' clothes. Prisoners are also permitted to receive funds up to a limited amount from relatives and friends to supplement the amenities of life in the camp.

MEMBERS OF THE CENTRAL AND PROVINCIAL LEGISLATURES DETAINED OR IMPRISONED SINCE THE WAR BEGAN

No 226 —(a) 42 members of Provincial Legislatures (up to the 22nd November, 1940)

PERSONS PROSECUTED OR DETAINED UNDER THE DEFENCE OF INDIA ACT AND RULES.

No 229 —(a) 4042 persons (up to the 22nd November, 1940)

Information promised in reply to part (b) of starred question No. 259 and starred question No 260 asked by Shaikh Rafiuddin Ahmad Siddiquee on the 25th November, 1940

INCREMENTS OF PAY OF STAFF WORKING AS TEMPORARY GUARDS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY

No. 259 —(b) (i) (ii) and (iii) It is presumed that the question has in view 24 men who were transferred from other categories to work as temporary guards in the Howrah Division. Particulars of the appointments sanctioned from 1937 onwards have been secured. A statement giving particulars of these is laid on the table.

(b) (iv) As the temporary posts were not on incremental scales, no increments were admissible other than increments to which the employees were entitled in their substantive appointments.

List of 3½ Temporary guards posts on the Howrah Division filled by the transfer of staff of other categories in the year 1937 and later

I			II		
Serial No of post	Date from which action had effect	Rate of pay originally sanctioned	Particulars of present holders of the posts Designation	Substantive scale of pay	Substantive pay
		Rs		Rs	Rs
1	17-12-37	95	Travelling Ticket Examiner	70—5—95	95
2	16-12-37	64	Relieving clerk	28—4—68	68
3	16-12-37	52	Telephone clerk	28—3—52	52
4	16-12-37	52	Ticket collector	37—3—52	52
5	16-12-37	36	Ticket collector	30—3—45	45
6	16-12-37	36	Ticket collector	30—3—45	45
7	16-12-37	36	Ticket collector	30—3—45	45
8	8-1-38	70	Clerk	30—4—70	70
9	8-1-38	70	Ticket collector	37—3—52	52
10	8-1-38	70	Checking clerk	30—4—70	70
11	30-10-38	70	Relieving assistant station master	40—4—68	68
12	22-3-39	45	Ticket collector	30—3—45	45
13	23-3-39	120	Special grade travelling ticket examiner	100—5—120	120
14	22-3-39	67	Trains clerk	28—3—67	67
15	24-3-39	95	Travelling ticket examiner	70—5—95	95
16	28-9-39	150	Lorry driver	100—10—150	150
17	1-10-39	70	Travelling ticket examiner	55—3—64	64
18	14-10-39	70	Clerk	30—4—70	70
19	31-10-39	52	Ticket collector	37—3—52	52
20	31-10-39	120	Travelling ticket examiner	70—5—120	120
21	25-11-39	36	Ticket collector	30—3—45	36
22	25-11-39	58	Relieving clerk	28—4—68	68
23	26-11-39	95	Travelling ticket examiner	70—5—95	95
24	26-11-39	64	Travelling ticket examiner	55—3—64	64

STAFF WORKING AS TEMPORARY GUARDS IN THE HOWRAH DIVISION OF THE EAST INDIA RAILWAY

No 900—It is not possible to state for what periods staff may have to work as temporary guards as their confirmation as guards depends on various factors. Their substantive posts are, however, only filled in a temporary capacity while they are working as guards.

MOTIONS FOR ADJOURNMENT

REFUSAL OF CENSUS ENUMERATORS IN BIHAR, ORISSA, JORA STATE, CENTRAL PROVINCES AND UNITED PROVINCES TO RETURN "URDU" OR "HINDI" AS THE MOTHER TONGUE OF PERSONS

Mr. President (The Honourable Sir Abdur Rahim) I have received notice of a motion of adjournment from Maulvi Abdul Ghami. He wishes to discuss a definite matter of urgent public importance of recent occurrence, namely, the refusal of Census Enumerators in Bihar, Orissa, Jora State, C P, and U P to return 'Urdu' or 'Hindi' as mother tongue of persons so demanding and their insistence to return 'Hindustani' for Urdu or Hindi notwithstanding peoples' protests. Is there any objection to this motion?

The Honourable Sir Reginald Maxwell (Home Member) Yes, Sir, I object to the motion. The motion of which notice is given does not seem to refer to any specific matter. It appears to relate to a number of isolated cases occurring in four different provinces, and the subject which the Honourable Member wishes to discuss appears to be the conduct of a number of individual Enumerators. The actual persons concerned are not specified, and we have no definite information on the face of this notice as to the matter which the Honourable Member wants to debate. My objection is on the ground that it is not a specific matter, and also he does not refer us to any definite recent action of Government which is responsible for the complaints which he has mentioned. In fact, the action alleged would be entirely contrary to all the instructions issued by the Government of India.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member says that it is a matter of recent occurrence, but he has not given the date. Can he give the date?

Maulvi Muhammad Abdul Ghami (Tirhut Division Muhammadan) Sir, I received a telegram on the 15th February complaining that the matter was referred to the Central Census Authorities, but they did not give any reply. Failing to receive a reply from the Central Census Authorities, the Provincial Jamiat Tablighul Islam of Cawnpore have wired to me.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Other Members have also got a similar telegram.

Mr. President (The Honourable Sir Abdur Rahim) As regards the point of order raised by the Honourable the Home Member, the Honourable Member who wishes to move this motion says that on the 15th February an application was made, but no reply was received and that, since then, the Census Authorities have been refusing to recognise Urdu or Hindi. As regards the motion not being definite, under the circumstances I do not think that it was possible for the Honourable Members of this House to make the matter more definite than it is in the motion. I hold the motion is in order. Apart from the question of the point of order, is there any objection to leave being granted? Does the Honourable the Home Member object to the leave being granted?

The Honourable Sir Reginald Maxwell: Yes, Sir I object on the ground that the notice does not give sufficient information

Mr. President (The Honourable Sir Abdur Rahim) Apart from the point of order, any Honourable Member can object to the leave being granted, and then I have got to see what support the measure finds

The Honourable Sir Reginald Maxwell: I do object to the motion

Mr. President (The Honourable Sir Abdur Rahim) As objection has been taken to the leave being granted, will those Members who are for leave being granted rise in their places?

(After the counting)

As less than 25 Members have got up, leave is refused

GRIEVANCES OF THE HINDUS IN THE UNITED PROVINCES WITH REGARD TO A CERTAIN INSTRUCTION GIVEN BY THE CENSUS AUTHORITIES

Mr. President (The Honourable Sir Abdur Rahim) Then, there is another motion of adjournment in the name of Bhai Parma Nand He wishes to discuss a definite matter of urgent and immediate public importance, namely, "Home Member's refusal to accept a short notice question given by him on the 14th February, 1941, ventilating a serious grievance of the Hindus in the United Provinces with regard to a certain instruction given by the Census Authorities" I always understood that the acceptance or refusal of a short notice question is in the discretion of the Member concerned Is there any precedent for moving a motion of adjournment because a short notice question was not accepted? I do not know of any Can the Honourable Member give me any precedent?

Bhai Parma Nand (West Punjab Non-Muhammadan) I cannot give any precedent

Mr. President (The Honourable Sir Abdur Rahim) Then, I must hold that the motion is out of order

ELECTION OF A MEMBER TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMUNICATIONS

Mr. President (The Honourable Sir Abdur Rahim) I have to inform the Assembly that up to 12 Noon on Friday, the 14th February, 1941, the time fixed for receiving nominations for the election of a Member to the Standing Committee for the Department of Communications only one nomination was received As there is only one vacancy, I declare Mr. Govind V. Deshmukh to be duly elected

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE

Mr. President (The Honourable Sir Abdur Rahim) I have also to inform the Assembly that up to 12 Noon on Friday, the 14th February, 1941, the time fixed for receiving nominations for the Committee on Public Accounts only two nominations were received As the number of candidates is equal to the number of vacancies, I declare Lieut.-Colonel M A Rahman and Pandit Lakshmi Kanta Maitra to be duly elected

THE BERAR LAWS BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Sir Muhammad Zafrullah Khan (Law Member) Sir, I present the Report of the Select Committee on the Bill to extend certain Acts to Berar

THE MUSLIM INTTESTATE SUCCESSION BILL

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

Nawab Siddique Ali Khan (Central Provinces and Berar Muhammadan) Sir, I present the Report of the Select Committee on the Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim Community

THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) Sir, I move

"That the Bill further to amend the law relating to fraudulent marks on merchandise, as reported by the Select Committee, be taken into consideration "

Mr. President (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the law relating to fraudulent marks on merchandise, as reported by the Select Committee, be taken into consideration "

Dr Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, I rise to a point of order, and I will refer you to the Standing Order 44 (1) (a) of the Manual of Business and Procedure It says

" That the Bill as reported by the Select Committee be taken into consideration Provided that any member of the Assembly may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven days, and such objection shall prevail unless the President, in the exercise of his power to suspend this standing order, allows the report to be taken into consideration "

In the present case, I would like to mention that the report of the Select Committee was presented on Tuesday last, and seven days cannot expire on Monday Therefore, the earliest time, when it can be taken into consideration, is Tuesday, the 17th Therefore, this motion can be taken up only on the 18th, and not today Had the question been of an urgent nature, I would not have raised any objection

Mr. President (The Honourable Sir Abdur Rahim) Has it made any practical difference? The Chair will then hear the reason which the Commerce Member may give

Dr. Sir Ziauddin Ahmad: Whenever a Bill comes before the House, it is expected that we will be able to consult some of the persons who are experts

Mr. President (The Honourable Sir Abdur Rahim) The Chair simply wanted to know if it has caused any inconvenience. The Honourable Member is perfectly entitled to take objection under Standing Order No 44. The Chair simply wanted to know whether it has caused any practical inconvenience.

Dr. Sir Ziauddin Ahmad: I am answering this question. The Standing Order says that the report should be made available for the use of Members for seven days. My point is that we should be given full time to consult some experts on this question, and we have not been allowed this period of time.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: It is perfectly true that this motion is a day too soon. But I venture to invoke the discretion of the Chair in allowing me to proceed with this Bill.

Dr. Sir Ziauddin Ahmad: What is the urgency?

Mr. President (The Honourable Sir Abdur Rahim) Why do you want me to waive the requirement of the Standing Order?

Sir Muhammad Yamin Khan (Agra Division, Muhammadan Rural) The rules should not be broken.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: In the first place, I should like to point out that no notice of amendments has so far been given, and even if I proceed with this Bill tomorrow, no notice of amendments hereafter will be valid. In the second place, I shall repeat what I said on the last occasion that I am required elsewhere and it is with the greatest difficulty, if the House will allow me to say so, I am able to fit in legislative business that I have in this House with the work that I am concerned with elsewhere of which the House is fully seized. That is the only reason why, instead of proceeding with it tomorrow, I have ventured to take it up today, particularly as I see there are no amendments at all to this Bill.

Mr. President (The Honourable Sir Abdur Rahim) The reason why it has been moved a day too early according to Standing Order 44 is personal, that the Honourable Member is pre-occupied with other Government business, and, therefore, he wants to move this motion today and not wait till tomorrow. The Chair would like to know if there is any objection on the parts of the Members generally to the Standing Order being waived.

Some Honourable Members: No, no.

Mr. President (The Honourable Sir Abdur Rahim) There seems to be no such objection, and I, therefore, dispense with the requirement of the Standing Order. The motion may be moved.

The question is

"That the Bill further to amend the law relating to fraudulent marks and trade, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) The question is
"That clause 2 stand part of the Bill"

Mr. J. D. Boyle (Bombay European) Sir, I wish to ask a question with regard to clause 2 (a) (1-A). Here the definition is different to the definition in the Trade Marks Act which was passed last Session. I understand that there is a good reason for having omitted certain words which occurred at the end of the definition in the Trade Marks Act of 1940 as it was passed. But as it seems, on the face of it, inconvenient to have two different definitions, I should like to ask Government whether they can explain the reason why the words at the end of the definition which appear in the Trade Marks Act have not been included here?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I had better read the definition in the Trade Marks Act

"Trade Mark" means a mark used or proposed to be used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade between the goods and some person having the right, either as proprietor or as registered user, to use the mark whether with or without any indication of the identity of that person."

These last words "whether with or without any indication of the identity of that person" have been omitted in the present definition of "Trade Marks." They have been omitted because, under the Indian Merchandise Marks Act, fraudulent use is going to be penalised. If there is no indication of the identity of the person, it will not be possible to proceed against him.

Mr. President (The Honourable Sir Abdur Rahim) The question is
That clause 2 stand part of the Bill"

The motion was adopted

Clause 2 was added to the Bill

Mr. President (The Honourable Sir Abdur Rahim) The question is
"That clause 3 stand part of the Bill"

Mr. J. D. Boyle: Sir, I am sorry the motion for consideration of the report of the Select Committee was put to the House before I realised that it had been finished. Otherwise, I should have raised these points in my speech at the beginning. In section 4 of the Indian Merchandise Marks Act, which is sought to be amended by clause 3 of the present Bill, there is a provision which prevents a "trade description which denotes or implies that there are contained in any goods to which it is applied more yards, feet or inches than there are contained therein standard yards, standard feet or standard inches." I should like to enquire from the Government the reason why a similar provision is not made here for preventing trade description which implies that there are contained in those goods more pounds, ounces, grammes or grains than there are contained therein standard pounds, ounces, grammes or grains. That is to say the present Bill covers a false description of length, but it appears not to cover a false description of weight. I am sure there is an answer, but I should like to know what it is.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, in the original Act "Trade description" is defined as follows

" 'Trade description' means any description statement or other indication, direct or indirect

(a) as to the number quantity measure, gauge or weight of any goods "

Therefore, I submit, there is no necessity to repeat about weight and in the amended Bill the only thing that has to be stated is length

Mr. J. D. Boyle: What about "measure"? If length is covered by the word measure, then what is the point of having a description of 'length'?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am not sure that measure covers length. Probably it covers only quantity, and that is at least how I understood it.

Mr. President (The Honourable Sir Abdur Rahim) Would the Honourable Member like to consider this later on

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: There is no need to consider it Sir

Mr. President (The Honourable Sir Abdur Rahim) The question is:

" That clause 3 stand part of the Bill "

The motion was adopted

Clause 3 was added to the Bill

Clauses 4, 5, 6, 7, 8, 9, 10, 11 and 12 were added to the Bill

Clause 13 was added to the Bill

Clause 1 was added to the Bill

The Title and the Preamble were added to the Bill

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I move

" That the Bill as reported by the Select Committee, be passed "

Mr. President (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill, as reported by the Select Committee, be passed "

Mr. J. D. Boyle: Sir, I want to make one brief remark. This Bill, when it is passed, will round off the legislation that we started last Session when we passed the amendment to the Trade Marks Act. I am sure the House will agree with me that this will not really entirely complete the issue. Honourable Members will remember that in passing this Bill we are making amendments not only to the Merchandise Marks Act but to certain clauses of the Indian Penal Code and certain sections of the Sea Customs Act. They are very considerable changes and though the Bills that we passed last Session and this one are very useful measures, certain changes have come to light which should be considered by Government and, if necessary, a fresh Bill brought. We have introduced for instance, to give one example, the use of a registered trade mark. We want to

encourage the use of a registered trade mark, and there are certain provisions of the Indian Penal Code which will have to be altered. Those who have practical experience of having to go to law to prove the use of a false trade mark or a false trade description know the considerable difficulties that exist. There are certain changes in the Indian Penal Code which ought now to be made in order to enable the proprietor or the user of a registered trade mark to have speedy and easy recourse to law by merely producing a certificate of registration. I give that as an example of something that has arisen as a result of the passing of the Trade Marks Act and of this particular Bill now, and I do ask Government that when they have passed this which is a very valuable addition to the legislation on the subject they will not consider that the whole job is now over but that they will look at the whole question and in the light of the Bills passed see what further amendments are necessary.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudahar. Sir, I am sure the House is grateful to the Honourable Member for pointing out the importance of this piece of legislation which is just being adopted by this House. This with the Trade Marks Act which was passed in the last Session, covers a scheme which has been long in contemplation, as I said when I introduced these two Bills, and the trading and commercial community may rest assured that the position which will result from the enactment of these two laws will be very much better to them than what it has been for over five or six decades.

The Merchandise Marks Amendment Bill, which is going to be passed by this House, covers, as my Honourable friend stated, certain amendments to the Indian Penal Code. With reference to the point that my Honourable friend made that, once a person gets a right to a registered trade mark it ought to be sufficient in any final proceedings to show that he has that right—that right, as my Honourable friend is aware, will ensure to him if the trade mark has been registered and a period of time has elapsed thereafter. And my Honourable friend may be certain that before that period elapses for any individual proprietor of a registered trade mark, whatever amendments are necessitated in the Indian Penal Code will be taken into consideration by Government and proposals placed before this House or its successor for that purpose. But that period is a fairly long period. We have yet to come to the stage when applications have to be made for the registration of trade marks and, thereafter, a time has to elapse when the proprietary interest in that trade mark will be absolute so far as that individual proprietor is concerned.

I do not propose to sleep over these Bills as having been the last effort that I can possibly make in the promotion of the interests of those engaged in trade and commerce for legitimately protecting them against various kinds of unauthorised and illegal encroachments on their rights and privileges. And my Honourable friend may be certain that the spirit which has animated Government in placing these two Bills before the House will still continue to animate them in safeguarding the legitimate interests of the commercial community. Sir, I take this occasion also to invite the attention of the commercial community to the importance of these two measures and the necessity in their own interest of their taking full advantage of the facilities that have after all been provided by the Legislature for safeguarding their legitimate interests.

Mr. President (The Honourable Sir Abdur Rahum) The question is

"That the Bill as reported by the Select Committee, be passed"

The motion was adopted

THE INSURANCE (AMENDMENT) BILL

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) Sir, I move

"That the Bill further to amend the Insurance Act 1933 be referred to a Select Committee, consisting of Mr. H. A. Sathai, H. Essik, Sait Minn, Ghousuddin, Mr. Akhil Chandra Datta, Pandit Lakshmi Kanta Maitra, Mr. T. Chapman-Mortimer, Sir Cowasji Jehangir Seth, Sundarlal Datta, Mr. J. H. Thomas and the Mover, with instructions to report on or before the 6th March 1941 and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five"

Sir, this measure looks portentous with 70 and odd clauses, but I shall briefly explain that most of those clauses relate to amendments which have been necessitated in the actual working of the provisions of the Act which was passed so recently as 1938 by this House. The comprehensive insurance legislation was for the first time undertaken by Government in that year, and it is no wonder that, in the actual working of this new legislation, certain defects have been discovered, specially as we have had the advantage of an expert having been appointed as Superintendent of Insurance, after the law was passed. Many of the clauses of the Bill refer, therefore, as the notes on the clauses indicate, to such defects as have come to light in the administration of the Act. I may say that on this Bill also Government have taken the course which was taken with reference to the two previous measures to which I adverted a few minutes ago, a course which has commended itself to commercial opinion. Before this Bill was drafted, Government convened a conference of all the insurance interests in the country and placed before them draft proposals of their own. They also placed before the conference proposals which had come to the department from time to time from various life insurance companies and associations. These proposals were considered at the conference which lasted for two whole days and in which I and the Secretary of the department and the Superintendent of Insurance had the privilege of taking part. The discussion at that round table conference was extraordinarily helpful to me personally, unlike other discussions at other round table conferences perhaps, and it is in the light of those discussions with the knowledge that we had before us the considered views of the interests affected that these proposals were drafted. Some of these proposals, as I said, emanated from the Superintendent of Insurance. They were subjected to careful study and criticism by the interests concerned to whom they had been circulated beforehand. Some of these proposals emanated from the interests concerned,—the insurance companies, young and old, established and otherwise, and they in their turn have been considered by the experts in the department and have also been further reviewed by the Government of India. I do not mean to suggest that the last word has been reached in the proposals which have been put forth in the Bill. Indeed it cannot possibly be so. My very request that this Bill may go to Select Committee is proof positive that there is room for further consideration and I am prepared to consider any proposals which may be advanced by

any member of the Select Committee. But I am making these observations particularly with reference to a motion for circulation which has just been handed to me by one of the Honourable Members. In a case like this, where Government has taken every precaution before drafting its proposals to consider the interests concerned, if even in such a case we have to be met with a motion for circulation, then all that I can say is that it is not worth the while of Government to take all this care and trouble of considering and consulting the interests concerned before ever drafting this piece of legislation. I would therefore appeal—apart from any technical objections which I might consider it advisable to take at a later stage when the motion is actually made—to the Honourable Member to consider the fact that we have taken every possible step to have enlightened views on this subject before we have drafted the legislation now for consideration before the House.

Sir, on the merits of the Bill, as I said most of these amendments are not capable of coming under any single principle except one of administrative convenience on the one hand and of easing the position of insurance companies on the other, and therefore at this stage I think it would not be doing a service to go into the details of the various proposals. There are a few, however, to which I may draw attention. One of the sections in the Bill prevented the age of the insured to be proved after a certain time. It was considered that this would be a hardship, and therefore provision is made for relaxation of that particular condition. The election of policyholders' directors under the existing provision left much to be desired, and a clarification of the qualifications of policyholders' directors and of the electors was also required and provision has been made.

The principle of a guaranteed surrender value to whole time policies has been extended and provision has been made whereby the guaranteed surrender value may be shown in the prospectus.

A legal difficulty which prevented defining which of the particular transactions of an insurer is to be considered as transacted in British India or in India as a whole, as the case may be, is attempted to be removed.

The provision for reciprocity under clause 116 which by the last amendment Bill, I had the privilege of introducing, with regard to life insurance policies, has now been extended to provident societies also so far as Indian States are concerned.

There is a clause which gives power under section 47 of the Act whereby a limited time is given for the deposit into court of claims under life insurance policies and the procedure has been further simplified in accordance with the wishes of the life insurance companies.

There is a clause relating to the levy of fees from agents at a higher rate and that has been necessitated by the growing expenditure of the department of insurance—an expenditure which is justified by the demands made on that department and for the need for expeditions dealing with the various applications that are received from life insurance companies themselves and from agents.

There is a section in the last Act which provides that a person who had suffered certain terms of imprisonment is prevented from acting as an agent. We have had representations from various persons who had acted as agents in the past who felt that there must be a *locus penitentiae* in

[Sir A. Ramaswami Mudaliar]

this matter, that after a lapse of a certain time it should be open for the agent to come into the field again and offer himself as an agent. Consideration has been given to these representations and the Bill provides that after a period, a former agent may be restored into the practice of his regular profession.

Sir, I move that this Bill be referred to a Select Committee as composed in my motion.

Mr. President (The Honourable Sir Abdur Rahim) Motion moved.

"That the Bill further to amend the Insurance Act, 1938, be referred to a Select Committee, consisting of Mr. H. A. Sathar, H. Essak Sait, Mian Ghasuddin, Mr. Akhil Chandra Datta, Pundit Lukshmi Kanta Maatra, Mr. T. Chapman Mortimer, Sir Cowasji Ichangni, Seth Sundarlal Daga, Mr. J. H. Thomas, and the Mover, with instructions to report on or before the 6th March, 1941, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Chair has received just now a notice of an amendment, which Dr. Banerjea wishes to move, to this motion. The Chair understands that notice was only received today and it has not been circulated to all the members.

Dr. P. N. Banerjea (Calcutta Suburbs, Non-Muhammadan Urban) It has been circulated to the Honourable the Commerce Member.

Mr. President (The Honourable Sir Abdur Rahim) That is all. The Chair does not know if any objection is taken. Is there no objection to this motion being taken up?

Honourable Members: No.

Mr. President (The Honourable Sir Abdur Rahim) Very well. The Chair will waive the necessity for two days' notice.

Dr. P. N. Banerjea: Sir, I move.

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 31st July 1941."

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member need not make a speech now. There will be a debate on both the motions. Amendment moved.

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 31st July 1941."

Dr. P. N. Banerjea: Sir, the Honourable the Commerce Member pointed out to us that before this Bill was published in the Gazette, he had had discussions with the commercial community and the interests concerned. That is true. He did consult some insurance companies, at a conference, and views were exchanged. The proposals made by the Superintendent of Insurance were placed before the representatives of these insurance companies, and they also made their own proposals. But so far as I have been able to gather, there was no general agreement as to the final shape of the Bill. The final shape of the Bill was not placed before the insurance

companies or any of their representatives, and this Bill was published only three days ago. I have received a telegram from the young companies association, suggesting that the Bill be circulated. They have had no time to study this measure—which is a complicated measure—and consists of 70 clauses. We passed the Insurance Bill only three years ago, and even within this very short time many difficulties have arisen, as has been pointed out by the Honourable the Commerce Member. It is desirable that before we enact further legislation we should know what exactly are the views of the insurance companies and also of those who are insured as well as of the general public. It is not merely the insurance companies that have an interest in this matter. It is the persons who are insured who have an interest and the general public also have an interest as to the progress of Indian insurance. I, therefore, suggest that the Honourable the Commerce Member will not object to my motion because it is very necessary that such a complicated measure should be very carefully scrutinised by all the interests concerned. Further, this House should be given ample opportunity to study this measure. It cannot be said that in the course of three or four days, a Bill containing seventy clauses can be mastered by any Honourable Member in this House. I would, therefore, suggest to the Honourable the Commerce Member that he should accept my motion.

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhammadin Rural) Mr President, Sir, I rise to support the motion for circulation moved by my friend, Dr Banerjee. Sir, the reasons advanced by him are perfectly cogent, and I am sure they will weigh with the Honourable the Commerce Member. Reading the Statement of Objects and Reasons one would find that the Honourable the Mover himself has declared in the clearest possible terms that this amending Bill has become necessary in order to remove flaws in administrative difficulties which have come to light during the 18 months for which the Act has been in operation and also some other matters in respect of which further provision is considered desirable. I think, Sir, this very statement will convince this House of the importance of giving more care, meticulous care, if I may say so, to the provisions of this highly technical Bill. My Honourable friend, the Commerce Member, has said that he has consulted the commercial opinion, that he met the leaders or representatives of insurance business at a conference of two days sitting, and that he has been able to settle its details. Sir, I must express my gratitude to the Honourable Member for taking the interests concerned into his confidence in this matter, but one cannot ignore the importance of further exploration in this respect. No doubt, my friend is aware that three years ago when this Insurance Bill was enacted into law, a good deal of exploratory work had to be done by the then Law Member. A special officer specially trained in insurance law and insurance practice had to be appointed before proposals were formulated, leading insurance interests were invited to meet, not in one conference, but at several conferences, then public opinion was elicited and the Bill was drafted on the recommendations made after consultation with the leaders of insurance companies, and, lastly, a motion was made in this House for referring it to a Select Committee. This is all fresh in our minds, because it is only three years' old business. In spite of that great care, in spite of that thoroughness, what do we find today?

[Pandit Lakshmi Kanta Maatra]

In three years' time three amending Bills had to be brought forward, two of them had already been passed to set right the defects or deficiencies which either escaped the notice of this House or escaped the attention of the legal advisers of the Government of India. That is a fact which cannot be gainsaid. I believe last year we obliged my Honourable friend, Sir Ramaswami Mudahar, by passing an amendment to the Insurance Bill in fifteen minutes time. Today also we have obliged him by passing the Merchandise Marks Bill by suspending the Standing Orders, on personal grounds, in less than seven and half minutes. I had my eyes fixed on the clock. I do not think, Sir, that he would expect us even on a highly technical measure like this, to oblige him by agreeing to this Select Committee motion in fifteen minutes time. Sir this is a highly technical measure, it took the Government of India full one Session of the Legislative Assembly to pass this Bill. Let him not forget it. Let my friend also remember that the Select Committee had to go into all these details for nearly a month ahead of the Session. Then numerous party meetings had to be called, the sponsor of the Bill had to meet the leaders of the political parties in their party rooms and discuss details with them, and after a full one Session's labour, the Bill which then appeared to embody the acme of wisdom was embodied into law, and yet in less than three years time we have had to deal with three amending Bills. So I would beg of the Honourable Member in charge not to advance any ground of personal convenience or inconvenience. I would also beg of him to consider the situation in which the whole insurance business is placed on account of the great European war. He knows very well that only the other day he passed a Bill granting some concessions to infant struggling companies, for which the insurance world would be grateful to him. There have been several additions of feathers to his cap including the one just now. Let not his greed grow more and more. We will gratify his greed, but I would only beg of him to give us a little more time to think out the matter in all its bearings. Let him not feel that because he managed to call together some representatives of the insurance business and met them for 48 hours,—I do not know if they had a non-stop meeting for 48 hours,—let him not think that because he had done all that, he has exhausted all possibilities of omission and commission of errors in future and that he would not have to rush to us again with another amending Bill. It is not a case for him to be sensitive.

If we move this motion for circulation it is simply because we feel that in the present state of uneasiness that has been created in the insurance world as a result of the abnormal international conditions it is desirable that this amending Bill should be so shaped so framed, as to eliminate, as far as it lies in our power, all possibilities of doubts and of omissions. As my friend, Dr Banerjee, pointed out it is not a case of purely insurance companies. So many millions of people have insured their lives in insurance companies, that the failure of one insurance company means not only untold hardships to the numerous policyholders but also a tremendous set-back to the progress in insurance business. Let my friend, the Honourable Member in charge not forget it. What is going to be lost if this Bill is circulated for public opinion? Does he contend that by the conference he held he could reach all classes of

people who are interested in insurance business? I think not. Speaking for ourselves as legislators, I think very few of us know what transpired at that conference, what particular interests or what particular people were called upon to tender their advice on this highly technical piece of legislation. If this measure is circulated for public opinion, all manner of insurance companies, big, small, struggling, will be enabled to have their say in the matter, and then, on the basis of their views we can re-model this Bill and bring it before the Legislative Assembly for final sanction and approval. But unless all that is done, I want to tell my friend, Sri Ramaswamy Mudaliar that he would not be really doing any service to the insurance world in India by merely trying to rush through this Bill in the way in which he proposes to do. I am sure, highly amiable and honourable and accommodating gentleman that he is, he will not think that in making this request to him, we are asking too much of him.

We have no personal interest in the matter, but our experience of the one long Session which we had to devote to the Insurance Bill has brought home to us what a tough job it is to have to handle the provisions of the insurance law. I feel that my Honourable friend will be doing very scant justice to the Bill itself and to us when he asks the House to go into a Select Committee at once and report on it by the 5th March. But why is this hurry? Is it a war measure? Is it necessary for the effective prosecution of the war? You can win victories here, you can win all manner of desert victories when there is no Opposition, but as the Bill concerns the insurance business of my country which was given a great impetus and fillip by the Act of 1938 I would beg of you to consider the matter and see whether or not you can allow the whole Indian insurance world a fuller and freer scope to express itself on the legislative proposals which you have placed before this country. Do you seriously think that in the midst of a busy Budget Session when the Railway Budget is going to be placed before this House day after tomorrow and the rest of the month will be occupied by the voting on demands for grants, and when the General Budget is going to be placed before us on the 28th instant, and the disposal of which will take up another fortnight—do you mean to say that during this period we shall have time at our disposal to go into details of this Bill? We have to consult people who are in the know of these things. We are not supposed to know how these provisions are actually worked. We have to seek advice, we have to take suggestions from people, where is the time for it? So, it is not from a desire to embarrass or impede my Honourable friend that this motion for circulation is moved. My Honourable friend showed considerable magnanimity when he did not oppose the motion for circulation though it did not comply with the rigid provisions of the Standing Orders and we are also grateful to the Chair for allowing that motion to be moved. Having taken that graceful stand, may we now request him not to press his motion for a Select Committee here and now and compel us to go through the farce of some sittings after the usual hours and perhaps on some Saturdays and Sundays and somehow get up a report to be placed before the House by the 5th March? The Bill will be hurried through and placed in the Statute-book. That won't enhance the reputation of my Honourable friend, that may defeat the very object for which he wants this Bill to be enacted into law. After all, the insurance world wants.

[Pandit Lakshmi Kanta Mahtta]

to be assured that the Honourable the Commerce Member is doing all that he can to remedy the defects which had escaped the vigilance and attention of his predecessor who brought in the amending Bill of 1938. These are some of the considerations which I hope will weigh with my Honourable friend. We know that if we press this circulation motion to a division we cannot carry, we are powerless, but after all, it is a commercial measure and the commercial men look up to him for the development of commerce and industry in this country. Nevertheless, if my Honourable friend thinks that he must drive on his steam-roller over our wishes, he is quite welcome. He may win a victory, but that would be a futile victory, a victory none too worthy, none too glorious.

Mr. T. Chapman-Mortimer (Bengal European). My Honourable friend, the Commerce Member, has told us that the Bill now before the House has two main objects. The first of these objects is to remove certain flaws that have come to light, and these flaws are mostly of a technical or drafting nature. The second object is to adjust administrative difficulties that have also come to light during the last eighteen months or so. There is, therefore, no need for me to make my long or detailed comment on the Bill at this stage. At the same time, we have accepted a short and incorrectly given notice for circulation. We did so and agreed to that being allowed for discussion now because we felt that there might be some people who would hold feelings as strong as those just expressed by my Honourable friend from Bengal. I feel that he is under a misapprehension. Though this Bill looks a very formidable document, it in fact, is very much less formidable than it seems to be. My Honourable friend has suggested also that great care should be taken in drafting a Bill of this kind, and he suggested by implication that such care had not perhaps been given. I think he is under a complete misapprehension. He has also, I think, done less than justice to the very great work which Sir Nupendra Nath Sircar did and which this House also did when the original measure was passed in 1937 and 1939. It is a tribute to the work then done and to the great care taken—My Honourable friend has himself reminded us of the great care that was taken—it is a tribute to that work that there is not so much, but so little to do at this stage.

Those who have examined this Bill will see, and must already have seen, that in nearly every one of its 71 clauses there is not even one to which any one is likely to raise any point of principle whatsoever. As the House has been informed, there was a conference, convened by the Honourable the Commerce Member, of insurance interests. I understand that that was a conference which grew from quite small numbers to something that was quite formidable and that Government really had not contemplated anything like such a detailed discussion and the large representation which took place at that time. That they did so was very much appreciated by all insurance interests, great and small and I am sure, that, as the discussions in Select Committee—and later again in this House—as these discussions proceed my Honourable colleague from Bengal will feel rather differently than he has just expressed. We all, I think, realise the tremendously heavy burden that falls on the Honourable the Commerce Member in any Budget Session. That burden has been greatly increased by the conditions arising out of the war, and I am sure that all of us very sincerely sympathise with him even when he tries, as

has been alleged, to rush things through the House and apply a sort of steam-roller-method in getting his business done! We in this Group agreed to waive and the House agreed to waive the Standing Order when my Honourable colleague of the Muslim League Party raised his point of order.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Division Muhammadan Rural) Not in this case

Mr. T. Chapman-Mortimer It was raised earlier today but on another point. At the same time, as I have suggested, the Honourable the Commerce Member has every reason and every excuse to ask this House to consent to refer this matter at once to a Select Committee.

Most of the points in the Bill can only be properly discussed by a small body. There are no main points of principle involved that I have been able to see, and I am perfectly certain that Government themselves will be able to assure us on that point later. At the same time, there is a tendency, we all know for Government when some of the Benches opposite are more crowded than they are today, to rush business through this House. That is an undesirable tendency—especially so in the eyes of those of us who do not always share the same view that those absent members themselves hold as to their importance in the country.

With these words, Sir, I oppose the motion for circulation.

Dr. Sir Ziauddin Ahmad When first we were considering the Insurance Bill, we paid a tribute to Sir N. N. Sutar for the great service that he rendered in this direction. Insurance was in a very chaotic condition and that Bill attempted to set matters right. Even during the debate, Mr. Sen pointed out, and this was said also by Sir N. N. Sutar, that the Bill did not achieve all that he wanted to achieve, but he hoped that serious consideration will be paid at a later stage to remove some of those difficulties. I myself very much value the services now being rendered by the Commerce Member, not only in connection with this Bill, but also in connection with various efforts connected with the war and the improvement of industries and commerce in this country. We do not differ there and perhaps from this side we appreciate it much more than the representatives of other groups really do, but the position here is a simple one.

Here is a very important Bill before us containing an enormous number of clauses. No doubt the Commerce Member has taken very great pains, as he himself pointed out, in the drafting of this Bill. He consulted the representatives of the insurance companies. I with those papers were before us, and then we would have been able to read their opinions and exercise our vote in an intelligent manner. We are really fighting against dictatorship at the present moment. Here the Commerce Member says "I have taken all the trouble. I am satisfied that the thing is all right. You can believe me and agree with my opinion." These are not the days of the dictators. We are really fighting for democracy. You may be satisfied that the measure is all right. Here we are exercising our votes and we have also got to satisfy ourselves that the measure is perfectly correct. We have got absolutely no material before us by means of which we can exercise our votes. The proceedings of the conference have never been revealed to us. We do not know the basis on

[Sir Ziauddin Ahmad]

which this particular Act was drafted. We never had any opportunity to discuss with any expert whom we know as to whether they agree to these views or not. I am not satisfied whether the interests of the policy-holders are adequately represented in this particular Bill, and unless I visualize in my own mind, I very much hesitate to give my opinion in a blindfold manner. We are really fighting for democracy and hate dictatorship. That is the whole issue of the present war. I am rather surprised that my friend was not in favour of the circulation motion. Perhaps he had his friends among those who were called for consultation, and probably they have given him opinions in private beforehand, and he may have satisfied himself that all that he required from his point of view are already included in this particular Bill.

Mr. T. Chapman-Mortimer: I have been ill for ten months, and I could not possibly have taken any part in these proceedings.

Dr. Sir Ziauddin Ahmad: That may be the case, but this is the impression I got from some of the arguments which he used on the floor of the House.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): You are fighting for hypocrisy.

Dr. Sir Ziauddin Ahmad: You don't understand this business.

Lieut.-Colonel Sir Henry Gidney: No.

Dr. Sir Ziauddin Ahmad: Therefore, I think it is very desirable that we ought to have known the reasons on account of which these changes became necessary. I quite understand the reasons may be cogent ones. If you ask us to agree with you, then those reasons ought to be communicated to us as well. At the same time, it is very desirable also that we should consult not only those persons whom the Government may consider to be experts, but also those persons whom we consider to be experts. We know how in economic matters experts can give two different opinions. During the discussion on the Ottawa Agreement, I said that these economists can argue one way or the other according to the view they hold. On one occasion, I said clearly that if I am paid Rs. 500, I can write a big book either in favour of the agreement or condemning everything that is contained there. The Government may have taken their own expert opinion in a matter like this. We should like to have opinions representing different interests, based on different theories. If there were any special reasons as to why this Bill should be proceeded with at a very early date, the Honourable Member ought to have circulated among us a good document explaining why it is necessary to pass this into law urgently. He has not explained why this measure should be passed urgently, without inviting public opinion. He has not made out any case for urgency. If it was urgent, the Commerce Member should have circulated among us a summary of the results of the conferences that he held and the evidence from various sources that he collected. No such attempt was made on the present occasion. Even in his opening speech on such an important issue he did not make out any case whatsoever. We know what happens to these Bills in the Select

Committee I have seen what happens in Select Committees. They will not be able to examine this Bill in detail. In the various Select Committees I have been, we are simply asked, how many are for a clause and how many against, and the whole thing is carried quickly. Therefore, it is, I think, only fair in the interests of the persons interested in insurance, both as insurers and policy-holders, that we must study this question very carefully. We should have the different view-points before us, and then we can come to some agreement. I think that is the right course to adopt in all important measures. First circulate, then get public opinions, and then refer the Bill to the Select Committee. It is only by this method that the time taken by the House will be minimised. As there is no urgency, why should we depart in the case of such an important measure from the practice that we have adopted on previous occasions. With these words, I support the circulation motion.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh Muhammadan Rural) : Mr. President, Sir, I have listened to the two speeches of my Honourable friends from Bengal. I have been thinking why my Honourable friends want circulation. Sir, a big conference was called at Simla of the representatives of insurance companies, big and small.

Dr. Sir Ziauddin Ahmad : Where are the proceedings?

Sir Abdul Halim Ghuznavi : There are notes which I passed on to the Commerce Member and after a long discussion with these representatives, the Honourable the Commerce Member.

Pandit Lakshmi Kanta Maitra : We are not in that fortunate and privileged position as you are.

Sir Abdul Halim Ghuznavi : In what way? I was not a member of the Conference.

Pandit Lakshmi Kanta Maitra : As a conduit pipe between the insurers and the Government.

Sir Abdul Halim Ghuznavi : As a public man, it is my duty to pass on what I get from my constituents and those who are interested in this subject. All that I have heard on the floor of this House today means nothing else excepting that they want a special Session.

Pandit Lakshmi Kanta Maitra : Who wants that? We have never said that.

Sir Abdul Halim Ghuznavi : They want to have a special Session.

Pandit Lakshmi Kanta Maitra : We have never said that.

Sir Abdul Halim Ghuznavi : Will you allow me to complete my sentence? In order to have a special Session, they want this Bill to be circulated.

Dr. P. N. Banerjee : Sir, on a point of personal explanation. I do not want a special Session.

Pandit Lakshmi Kanta Maitra. Neither do we

Sir Abdul Halim Ghuznavi. They have made out no case at all for a special Session

Dr. P. N. Banerjee That is a wrong statement, we have not said that there should be a special Session

Sir Abdul Halim Ghuznavi. They say there are seventy clauses

Dr. P. N. Banerjee. Does it contain a smaller number?

Sir Abdul Halim Ghuznavi: It gives you only one hour, if you will intelligently read these clauses. Sir it is a mere waste of time to ask for this Bill to be sent for circulation. I am on the Boards of Insurance Companies and we feel that this Bill should go through as quickly as possible

Dr. Sir Ziauddin Ahmad. Why? What is the reason?

Sir Abdul Halim Ghuznavi. It affects the insurance companies and it affects the insurers as well

Dr. Sir Ziauddin Ahmad: How?

Sir Abdul Halim Ghuznavi. The answer is 'by this Bill'

Mr M. S Aney (Bera Non-Muhammadian). What are the special benefits to insurance companies? Let us know that

Sir Abdul Halim Ghuznavi. My friends who will be on the Select Committee will be able to point them out. Now, Sir, a conference was held at Simla last year. Nine months have since passed

Dr. P. N. Banerjee. Was any conference held at Simla? Where are the proceedings?

Mr. President (The Honourable Sir Abdur Rahim) Let the Honourable Member go on with his speech

(Interruptions)

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member had better go on with his speech

Sir Abdul Halim Ghuznavi. Whatever opinion was expressed by the insurance companies at that conference, they have been submitted to the Commerce Department, which must have taken them into consideration

An Honourable Member: You are taking that for granted?

Sir Abdul Halim Ghuznavi: Surely, they could not have been thrown into the waste paper basket

Mr. M. S. Aney: May I ask one question? Will the proceedings of that conference be available to the Select Committee when it considers this Bill?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: There are no proceedings recorded. I may explain that a list of all the points raised by the Department as well as by the Insurance Companies was circulated to the members of the Conference. That list I am prepared to place at the disposal of the members of the Select Committee. On that list I sat as an initiator and I had the views of the Department through the Superintendent of Insurance elicited in the first instance and also the views of the various members who attended the conference. That conference was attended by the older life insurance companies as well as the younger ones, and the representatives of agents of the insurance companies and it was an enormous conference. Every possible interest connected with insurance was represented. The policy holder was not represented. I represented the policy-holder because I have taken out a life policy.

Dr. Sir Ziauddin Ahmad: You are a very poor specimen of a policy-holder.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am prepared to have that circulated to the members of the Select Committee. Views were informally exchanged across the table without any regular debate and the points raised by them were noted and afterwards Government came to some conclusion on the views expressed both by the Superintendent of Insurance and the representatives and actuaries present.

Mr. M. S. Aney: Sir, the points that were raised and the views expressed are recorded somewhere and they will be available?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: They were only general points raised in the discussions.

Sir Abdul Halim Ghuznavi: After the statement made by the Honourable the Commerce Member I think I need not take more time of this House and I oppose the motion for circulation.

Mr. Akhli Chandra Datta (Chittagong and Rajshahi Divisions Non-Muhammadian Rural) Sir, I support this motion for circulation. Sir, a lot of arguments both for and against the motion have been advanced and I shall not repeat them but I want to emphasize just one or two points. It cannot be denied that this Bill is a very important Bill. As pointed out by several speakers, it seeks to remove some of the flaws that have been detected in the working of the Bill after the experience of these eighteen months. It also seeks to remove some of the administrative difficulties. Now, these two things are very important in themselves, but what is more important is that so far as the present motion is concerned, some new provisions will be made with regard to the insurance business. So far as those are concerned, it cannot be said that it is an amending Bill, it is partly an amending Bill and partly an altogether new Bill. It must be admitted that it is a highly technical measure.

[Mr Akhil Chandra Datta]

Nobody knows more than my Honourable friend, Mr Chapman-Mortimer, about the difficulties of the matter. He was in the thick of the fight during the main Insurance Bill and he knows the immense complications in a measure like this. There is one thing which I am very anxious to point out to the Honourable the Commerce Member, and that is this. I want to submit to my Honourable friend that the time between now and the proposed date of the Select Committee report will be also a very busy time for the Members of this House, *i.e.*, the Budget time. Now how can we really go through the provisions of the Bill? How can we apply our minds seriously and come to any decisions on these matters? There will be hardly any time perhaps to consult those who are in a position to give advice on these matters. Now, advice certainly is necessary. Sir, I have been a director of a foremost insurance company for over twelve years but at the same time I must confess that there are many things in the actual working of the insurance business with which I am not yet familiar, which are so technical or so intricate. Now without consulting the interests concerned, so far as we are concerned—of course if the Government of India have already consulted them, that is another matter—but if we are to apply our mind to these matters, we must consult all these interests, and where is the time for that, I ask?

Then I want to ask one question. Supposing the circulation motion is accepted, there will be no difficulty in having this Bill passed during the autumn Session. Now, the question is what is the difference, unless you accept the argument of my friend, Sir Abdul Halim Ghuznavi, that Heavens will fall if the Bill is not passed immediately. I want to ask this. Will there be any practical difficulty if the Bill is passed in the next Session this year instead of in this Session? Unless there is some such urgency I cannot appreciate the objection to circulation. At all events, in a House like this which is very much attenuated, we must be very careful and that is another point that should be taken into consideration by the Honourable the Commerce Member. In fact, that makes the task and the position of the Honourable Member himself very difficult and very delicate. He ought to represent not only the Government but also those constituencies which were represented in this House by the 44 gentlemen of the Congress Party. The question is not why these gentlemen have not come but the point is that as a matter of fact all these constituencies are now unrepresented and, therefore, it is but fair that the Honourable the Commerce Member should represent not only the Government but also these people. It is not a political measure nor is it a war measure. It is a measure connected with commerce and industry. Sir, I support the motion for circulation.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) Sir, I rise to lend support to the motion for circulation. I cannot see eye to eye with my Honourable friend, Mr Chapman-Mortimer, when he said that this Bill requires to be considered only by a few Members and not by many sitting in the Select Committee. Sir, I am invariably against any legislation being hustled up. Last time, when a small Insurance Bill was before the House, certain reasons were given and they appealed to the House. Those reasons were that if the instalments that were going

to be curtailed were not curtailed by legislation earlier, then the Superintendent would ask them to pay the whole instalment. There is no such danger now. If this legislation is delayed for some time, there will be no serious injury either to the policy-holders or the insurers. Now, it is plain that we are passing this Bill very hurriedly. On the 11th of this month, which was the very first day of the Assembly, this Bill was introduced, and the Honourable Member, without giving the usual seven days, got up to ask that the Standing Order be suspended.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No. My Honourable friend is entirely wrong. There is no need for seven days for this Bill to be taken into consideration. It is only for three days, and I did not ask for any suspension of the Standing Orders.

Mr Lalchand Navalrai: Anyway, having regard to the complications of several provisions of this Bill, I should have thought that the Honourable the Commerce Member himself would have agreed to the circulation motion. In the first place, I would ask the Honourable Member the reason why the Bill should be referred to the Select Committee today. It would be in the interests of all concerned that the Bill should be considered clause by clause and the help thus given to the House may be beneficial to the public and to those who are concerned with it.

Now, Sir, it may be that some consultations were made, but it cannot be said that all the interests have been consulted. I am told that the representatives of many big and small companies were consulted, but we do not know what they actually said. We would like to know what suggestions they made. The House has been deprived to consider those points that have been placed before the Honourable the Commerce Member. It is said that they should not be brought before the House, but should be considered only by the Members of the Select Committee. I do not think that is right. That is cutting away actually the rights of the Members of this House. My another reason for supporting the motion for circulation is that I have received a representation from the persons concerned and also from the Chamber of Commerce, Delhi. They also want its circulation.

Now, Sir, with regard to the question that the principle of the Bill be accepted by the House and that it should be sent to the Select Committee, I submit that many Members have not had the opportunity to study it carefully. Ever since our arrival here, we have worked in the House. Certain Bills have already been passed, and much work has been done in the House. Therefore, I think it will be more helpful to the Honourable the Commerce Member if this Bill is circulated and opinions are asked for. The Select Committee can then consider all these opinions. I do not think I need detain the House any longer. This is only a fair and reasonable request, and so many Members have spoken in favour of it. Of course, one Member from Bengal and two Members on the other side do not see eye to eye with one another. All the same, all the other Honourable Members who have spoken on this motion have said that it would be very fair that the Bill should be circulated, and I hope the Honourable the Commerce Member will not stand in their way.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I confess that the Bill looks very formidable with over 70 clauses and the first reaction on anyone who has not carefully gone through this measure would be that it is a ponderous Bill which requires very serious consideration. But I want to make two points perfectly clear. I yield to none in my admiration for the indefatigable manner in which my Honourable predecessor in office had to pilot the original insurance measure and, if amendments have been necessitated, it should be no reflection at all either on the care or on the legal argument which was expended by my predecessor, Sir Nirmendra Sena, when he piloted the Insurance Bill. As I myself said, it was almost a virgin field. The measure was first introduced and a survey of the position was taken then and it is no wonder that in the actual administration certain defects or deficiencies which could not have been foreseen at the time by anyone who had not had the working of such a measure before him, have come to light. Most of these things relate to such deficiencies or defects, and the notes on the Clauses of the Bill make it perfectly clear. Drafting is a matter which must be left to the Draftsmen and if the Draftsmen in their work produce a Bill which looks portentous, I am sure Honourable Members who have been quite accustomed to legislation will not really take it so.

Now, Sir, some of my Honourable friends have spoken as if circulation of a Bill was a matter of course and that I was asking the House to do something quite out of the way by requesting the House to refer this Bill to the Select Committee. The normal procedure is of course for a Bill to be referred to the Select Committee and the extraordinary course is to have the Bill circulated for opinion. I have shown in the few remarks that I made at an earlier stage that in this case at any rate all the interests concerned having been consulted, there is no proposal in this Bill which was not the subject of discussion at the conference that I have referred to. Circulation of the Bill would not really help the matter.

Pandit Lakshmi Kanta Maitra: What is there to show that there was a consensus of opinion on these matters?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I have not at all suggested that there was a consensus of opinion. On many matters the Select Committee will find that the interests concerned were agreed, on other matters the Government have had to come to a decision adverse to some of the interests concerned and favourable to some other interests. Really there is no complete consensus of opinion and there is no possibility of such consensus of opinion even among the interests which were represented at the conference apart from the views of the Government of India. I have not suggested that. That is the reason why I have suggested that the matter might go before the Select Committee. I am perfectly willing that the Select Committee should consider as carefully as possible every one of these clauses. I may go further and say that there is no intention on my part to hurry this matter up. I am perfectly certain that a proper consideration of it can only be by and through the Select Committee. I may state to the House that I have arranged to meet the insurance interests before this matter comes before the Select Committee and I propose to have the Select Committee not

immediately but after, say about ten days. So far as the date for the report of the Select Committee is concerned, I am perfectly agreeable to make a representation to you, Sir, should the Select Committee consider that the date fixed is not sufficient and wants further time to make the report, I am perfectly willing to come before you and ask for an extension of time. But so far as many of the points that have been urged, I have, I regret to say, found no case for circulating this Bill for eliciting opinion. I must assure the House again that I have no intention of rushing this measure at all. It has been remarked as if it was my fault, that the previous Bill, the Indian Merchandise Marks (Amendment) Bill was passed in 7½ minutes. It is my misfortune, it is not my fault, that more Honourable Members did not speak at the consideration stage, that more Honourable Members did not speak on the amendments that were made by the Select Committee. Some Honourable Members said "Oh! yes, you go to the Select Committee and in the Select Committee, clause 1 is put, those for and those against and with the Government majority, you carry through everything." Sir, this Bill on which so many amendments have been made in the Select Committee and which I have had the privilege of asking the House to pass is proof positive of the actual work that is done in the Select Committees. Several amendments proposed in the Select Committee have been accepted by the Government and I do not think it is quite a fair proposition at least so far as the measures with which I am associated are concerned and regarding which alone, I can speak with personal knowledge, it is not fair to suggest that the Select Committee is merely an instrument which puts its seal of approval on any provisions that Government suggest. I can assure this House and I can assure the Select Committee that I am prepared to give the utmost consideration for any suggestions that may be made by the Select Committee on this measure and I think it will serve the interests of the insurance companies themselves, it will serve the interests and convenience of this House if this Bill were to go before the Select Committee and the provisions of this Bill were examined by the Select Committee.

Mr. President (The Honourable Sir Abdul Rahim) The question is

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 31st July, 1941."

The Assembly divided

Abdoolah Hatoon, Seth Haji Sir
 Abdul Ghani, Maulvi Muhammad
 Abdullah, Mr H M
 Abdur Rasheed Chaudhury, Maulvi
 Aney, Mr M S
 Ahar Ali, Mr Muhammad
 Banerjee, Dr P N
 Chatopadhyaya, Mr Anarendra
 Nath
 Datta, Mr Akhil Chandra
 Deshmukh, Mr Govind V
 Essak Sait, Mr H A Sathar H
 Fazl Haq Piracha, Khan Bahadur
 Shaikh
 Ghasuddin, Mr M

Ghulam Bink Nurang, Syed
 Habibur Rahman, Dr
 Lalchand Navahai, Mr
 Maitra, Pandit Lakshmi Kanta
 Murid Hussain Qureshi, Khan Bahadur
 Nawaab Makhdoom
 Murtaza Sahib Bahadur, Maulvi
 Syed
 Parma Nand, Bhai
 Rafiuddin Ahmad Siddiquee, Shaikh
 Siddique Ali Khan, Nawab
 Umar Aly Shah, Mr
 Yamin Khan, Sir Muhammad
 Zafar Ali Khan, Maulana
 Ziauddin Ahmad, Dr Sir

NOES—43

Abdul Hamid, Khan Bahadur Su
 Abdul Hamid, Khan Sahib Shaikh
 Ahmad Nawaz Khan, Major Nawab
 Su
 Bcwool, Su Guunath
 Bhagchand Soni, Rai Bahadur Seth
 Boyle, Mr J D
 Busa, Mr L C
 Caroe, Mr O K
 Chapman Mortimer, Mr F
 Chettiar, Di Rajah Sir S R M
 Annamalai
 Clow, The Honourable Sir Andrew
 Daga, Seth Sunderlal
 Dalal, Di R D
 Dalpat Singh, Sardar Bahadur Cap
 tain
 Deheja, Mr V I
 Dunnasta, Mr N M
 Frampton, Mr H J
 Ghuznavi, Su Abdul Hahm
 Gidney, Lieut Colonel Sir Henry
 Gwilt, Mr E L C
 Ikramullah, Mr Muhammad
 Iman, Mr Sayid Haider
 Ismael Ali Khan, Kunwar Haje

Jawahar Singh, Sardar Bahadur
 Sardar Su
 Kamaluddin Ahmed, Shamsul Ulema
 Kushalpal Singh, Raja Bahadur
 Lawson, Mr C P
 Maxwell, The Honourable Su
 Reginald
 Mazharul Islam, Maulvi
 Miller, Mr C C
 Muazzam Sahib Bahadur Mr
 Muhammad
 Mudahar, The Honourable Diwan
 Bahadur Su A Ramaswami
 Mukharji, Mr Basanta Kumar
 Pillay, Mr T S S
 Ruisman, The Honourable Su
 Jeremy
 Rao, Sir Raghavendia
 Scott, Mr J Ramsay
 Shahban, Khan Bahadur Mian
 Ghulam Kadu Muhammad
 Sivraj, Rao Sahib N
 Spence, Sir George
 Staig, Mr B M
 Thomas, Mr J H
 Tyson, Mr J D

The motion was negatived

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That the Bill further to amend the Insurance Act, 1938, be referred to a Select Committee, consisting of Mr H A Sathar, H Essak Sait, Mian Ghasuddin, Mr Akhil Chandra Datta, Pindit Lakshmi Kanta Martia, Mr T Chapman-Mortimer, Sir Cowasji Jehangir, Seth Sundarlal Daga, Mr J H Thomas, and the Mover, with instruction to report on or before the 6th March, 1941, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five

The motion was adopted

The Honourable Sir Andrew Clow (Member for Railways and Communications) Sir, with regard to the Indian Railways (Amendment) Bill standing in my name, a full week has not elapsed since the Report of the Select Committee was laid on the table, and I understand some Members of the House are anxious that the Bill should not be taken up today. I therefore, do not propose to move it till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 18th February, 1941

LEGISLATIVE ASSEMBLY

Tuesday, 18th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

MEMBER SWORN

Mr John Hugh Francis Raper, M.L.A. (Government of India Nominated Official)

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

SUPERINTENDENTS PROMOTED AS ASSISTANT EXAMINERS AND ASSISTANT INSPECTORS IN THE INCOME TAX DEPARTMENT OF BOMBAY TOWN

90. *Dr. Sir Ziauddin Ahmad. (a) Will the Honourable the Finance Member be pleased to state the number of persons who were promoted from the rank of Superintendent to the rank of Assistant Examiner and Assistant Inspectors in the Income tax Department of Bombay town during the last ten years?

(b) Was any Muhammadan promoted? If not, why not?

The Honourable Sir Jeremy Raisman: (a) and (b) No person has ever been promoted from the rank of Superintendent to the rank of Assistant Examiner and Assistant Inspector in the Income tax Department, Bombay City

Mr. Lalchand Navaraj: May I know whether promotion in this department is also done on communal lines or by merit and selection?

The Honourable Sir Jeremy Raisman: Promotion is by merit but as I have stated, this type of promotion has not occurred at all. It is not a promotion. If the Honourable Member looked at the scales of pay he would realise that nobody would have been anxious for it.

Dr. Sir Ziauddin Ahmad: With reference to Mr Lalchand Navaraj's question am I to understand that he means that Muslims should never be appointed?

Mr. President (The Honourable Sir Abdur Rahim) Mr Lalchand Navaraj can answer that

EXTENSIONS TO SUPERINTENDENTS IN THE HEAD OFFICE OF THE INCOME TAX COMMISSIONER IN PATNA

91. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Finance Member be pleased to state whether the attention of Government has

been drawn to continuous extensions given to Superintendents in the head office of the Income-tax Commissioner in Patna?

(b) Are such extensions, without cogent reasons, permissible under the rules?

(c) Were Government satisfied that the extensions were given on account of the absence of suitable candidates?

The Honourable Sir Jeremy Raisman. (a), (b) and (c) No Superintendent of the office of the Commissioner of Income-tax, Bihar and Orissa, has so far been granted any extension of service. The present incumbent of the post is in his 56th year and, under the rules, he can ordinarily be retained in service up to the age of 60 years if he continues efficient in the performance of his duties.

Dr Sir Ziauddin Ahmad. I thought it was the policy of the Government now not to grant extensions under ordinary circumstances unless there were very special reasons for it.

The Honourable Sir Jeremy Raisman. The position is that the ordinary rules which apply to persons in Government service before the 1st April 1938 allow ministerial officers to be kept in service up to the age of 60, if they are efficient. As regards persons appointed on and after that date, they are liable to be required to retire at the age of 55.

Dr Sir Ziauddin Ahmad. I understand that the question about extensions for persons appointed after 1938 will not arise for another 30 years but I am talking of the thing applicable now, and I understand that the rule was there but that the policy of the Government is, on account of the large number of unemployed young men not to allow this thing in practice, so that the younger people may have a chance.

The Honourable Sir Jeremy Raisman. The conditions of service of these officers at the time the new rule was made included a provision that, if they were efficient, they will go on to the age of 60, and that could not be changed without affecting their conditions of service detrimentally.

Dr. Sir Ziauddin Ahmad. They are not debarred from extension, but it does not follow that the extension will be given as a part of service, and I said that the policy which Government declared repeatedly on the floor of the House—not the Finance Member, but some other Member—is that extension is not usually given unless circumstances demand that such extension should be given in rare cases, not as a matter of right.

The Honourable Sir Jeremy Raisman. The position as I understand it, was that the sole criterion was that of efficiency, whereas in the past that criterion may not have been applied so strictly it has since this date been more strictly applied, but the fact remains that a Government servant, who was in service on the date in question and who is perfectly efficient, is entitled to be kept on till the age of 60.

Dr. Sir Ziauddin Ahmad. 55 is on paper, but everybody may be granted an extension at the discretion of the authorities!

STATE LOTTERIES AND GOVERNMENT CONTROL OVER THEM

92. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Home Member be pleased to state the number of state lotteries held throughout the year 1940, the total amount raised by such lotteries, and the purposes on which such funds were utilised?

(b) Have Government any control over such lotteries with a view to preventing fraud by the institutions carrying on these lotteries?

The Honourable Sir Reginald Maxwell: (a) No State Lotteries were held during the year 1940

(b) Does not arise

Mr. Lalchand Navalrai: May I know with regard to State Lotteries, why are they in existence at all?

The Honourable Sir Reginald Maxwell: The policy of Government is to discourage State Lotteries of all kinds

Mr. Lalchand Navalrai: But what about State Lotteries?

The Honourable Sir Reginald Maxwell: A State Lottery is a Government one

Mr. Lalchand Navalrai: Are they also discouraged or not?

The Honourable Sir Reginald Maxwell: Yes

Mr. J. D. Boyle: Is it not a fact that the running of a lottery by a private person is not a cognisable offence provided the lottery complies with certain very simple police provisions?

The Honourable Sir Reginald Maxwell: It is for the private person who wishes to run anything in the nature of a lottery to satisfy himself that his action does not conflict with section 294A of the Indian Penal Code

Mr. J. D. Boyle: My point is this these provisions are fairly simple to comply with but, in addition, you have to get a certificate from the Collector of the District in order to run a lottery at all. Thus, even if you comply with the sections of the Indian Penal Code, it still remains for you to get a certificate from the Collector entitling you to run the lottery? Therefore, it means that the only way of stopping a lottery which has not got a certificate is by a civil process, and, by the time that is done, the damage intended to be prevented has already been done

The Honourable Sir Reginald Maxwell: No I do not think the Honourable Member has correctly understood the position under section 294A. No lottery can be held unless it is authorised by the Provincial Government. It is not for the Collector to give a certificate or not, and if any offence is committed against the law, then the process that has to be gone through is a criminal process, not a civil one

Mr. Lalchand Navalrai: May I know if in Bengal there are too many lotteries, and they are swindling the people there?

The Honourable Sir Reginald Maxwell: I am not aware of that.

DEPORTED INDIAN POLITICAL SUSPECTS RESIDING OUTSIDE INDIA

93. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Home Member be pleased to state in detail the names of deported Indian political suspects residing at present in different parts of the world outside India, and their offence that laid them to be suspected and leave the shores of India?

(b) How long have they been out of India?

(c) Is the Honourable Member prepared to allow them to come back to India, if they express their desire to come back?

The Honourable Sir Reginald Maxwell. (a) and (b) I would invite the Honourable Member's attention to the answer I gave to parts (a) and (b) of Seth Govind Das's starred question No. 367 on the 14th February, 1939. There are no deported Indian political suspects residing outside India. If the Honourable Member refers to persons who have voluntarily left India on account of their political activities Government have no complete list of such persons.

(c) The Government of India will be prepared to consider any requests that may be received from such persons for facilities to return to India.

BANNED COMMUNISTIC LITERATURE

94. *Mr. Amarendra Nath Chattopadhyaya: Will the Honourable the Home Member be pleased to state if communistic literature falls under the category of undesirable literature? If so, will the Honourable Member be pleased to lay on the table a list of such literature which cannot be imported from foreign countries and literature written and published in India?

The Honourable Sir Reginald Maxwell: I would refer the Honourable Member to the replies I gave to Shrimati K. Radha Bai Subbarayan's starred question No. 233 on the 16th August, 1938, and to part (a) of Mr. Mohan Lal Saksena's starred question No. 374 on the 14th February, 1939.

Pandit Lakshmi Kanta Maitra: Do I understand that the opinions expressed by the Government in reply to those questions hold good today also?

The Honourable Sir Reginald Maxwell: Yes, Sir.

LEAKAGE OF INFORMATION *re* THE OPINIONS RECEIVED BY THE GOVERNMENT ON THE QUESTION OF THE EXTENSION OF THE FEDERAL COURT'S APPELLATE JURISDICTION

95. *Dr. P. N. Banerjee: (a) Has the attention of the Honourable the Home Member been drawn to the reports that have appeared in the Press purporting to give out opinions received by the Government of India on the question of extension of the Federal Court's appellate jurisdiction?

(b) Has any enquiry been made by the Honourable Member as to how this information leaked out to the Press, when the same had been withheld from this Assembly by Government?

(c) Are the Press reports about the alleged opposition in Bombay and Calcutta correct? Will the Honourable Member, in view of this leakage, lay all the opinions received by the Government of India on the table of this House?

(d) Will the Honourable Member lay on the table of this House a list of the bodies, institutions and persons whose opinions have been sought and received by Government on the question of the extension of the Federal Court's appellate jurisdiction?

(e) Do Government propose to introduce legislation on the aforesaid question? If so, when?

The Honourable Sir Reginald Maxwell: (a) and (b) Government have seen certain articles and discussions of the subject in the Press. These presumably express the opinions of those interested in the subject who have deemed fit to communicate them to the Press. In some cases the opinions of Bar Associations consulted by Government appear to have been communicated to the Press. Such communication was not made by Government.

(c) For the reasons stated in my reply to Pandit Lakshmi Kanta Maitra's supplementary question on the 11th November, 1940, I am not prepared to lay on the table of the House a copy of the opinions received or to say whether the reports of alleged opposition in Bombay and Calcutta are correct or not.

(d) Provincial Governments, High Courts and Bar Associations only were consulted.

(e) The question whether legislation should be undertaken is under consideration, and no decision has yet been reached.

Dr. P. N. Banerjee: Have the Government of India sent a recommendation to the Secretary of State?

The Honourable Sir Reginald Maxwell: I have informed the Honourable Member that the matter is under consideration at present.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that the fact that the Calcutta High Court and the Bombay High Court are opposed to the extension of the appellate jurisdiction to the Federal Court has been given out to the press?

The Honourable Sir Reginald Maxwell: I am not responsible for what has appeared in the press.

Pandit Lakshmi Kanta Maitra: My point is that it has appeared in the press that the Calcutta High Court and the Bombay High Court are opposed to the extension of the appellate powers to the Federal Court. If that is so, will the Honourable Member kindly explain to us why this information is withheld from this House, when it has somehow leaked into the press as the Bombay and Calcutta High Courts would not be interested in giving out their views to the press?

The Honourable Sir Reginald Maxwell: Various things reach the press without the authority of those who are responsible for them.

Pandit Lakshmi Kanta Maitra: Do I understand that after these reports appeared in the press, the Honourable Member did not take care either to confirm them or to contradict them?

The Honourable Sir Reginald Maxwell: No, Sir, I have no reason to contradict them. As I have already stated, I am not responsible for anything that is published in the press on this subject.

Dr. Sir Ziauddin Ahmad: Is the press report correct?

The Honourable Sir Reginald Maxwell: I have already said that I am not able to give any information to the House on matters which are under consideration.

Dr. Sir Ziauddin Ahmad: With reference to part (b) of the question, may I know whether the Honourable Member will bring any legislation on this subject this Session?

The Honourable Sir Reginald Maxwell: I have already replied to that question in answer to part (e) of the question.

Qazi Muhammad Ahmad Kazmi: What are the reasons why Government are keeping this information confidential? It is a matter in which the public is interested and both the public and other parties have to be consulted. This matter must be published, and there is no reason why Government should keep the whole thing confidential.

The Honourable Sir Reginald Maxwell: The Honourable Member will find the reply to that in answer to the previous question quoted in answer to part (e).

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware .

Mr. President (The Honourable Sir Abdur Rahim) Next question

PROPOSAL FOR HOLDING SITTINGS OF THE JUDICIAL COMMITTEE IN INDIA TO DECIDE INDIAN APPEALS FOR THE DURATION OF THE WAR

96. ***Dr. P. N. Banerjee:** Will the Honourable the Home Member please state whether Government have under consideration the alternative proposal of arranging for the sittings of the Judicial Committee in India to decide Indian appeals for the duration of the war?

The Honourable Sir Reginald Maxwell: No such proposal is under consideration.

REPRESENTATION FROM ENGLAND ON THE QUESTION OF EXTENSION OF THE FEDERAL COURT'S APPELLATE JURISDICTION.

97. ***Dr. P. N. Banerjee:** Will the Honourable the Home Member please state whether Government have received any representation from any association or institution in England on the question of the extension

of the Federal Court's appellate jurisdiction? If so, will the Honourable Member lay a copy of the said representation on the table of this House?

The Honourable Sir Reginald Maxwell: The reply to the first part is in the negative. The second part does not arise.

MESSAGE FROM H E THE GOVERNOR GENERAL

Mr. President (The Honourable Sir Abdul Rahim) I have to read a Message received from His Excellency the Governor General. The Message is as follows:

"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules I, Victor Alexander John Marquess of Linlithgow hereby appoint the Honourable Sir Andrew Clou to perform the functions assigned to the Finance Member under rule 46 of the said rules on the occasion of the General Discussion appointed for Saturday, the 22nd February, 1941, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways."

(Sd) LINLITHGOW,
Viceroy and Governor General."

NEW DELHI,
The 29th January, 1941

MOTION FOR ADJOURNMENT

RIFLE RANGE BUILT OUTSIDE THE PESHAWAR CANTONMENT

Mr. President (The Honourable Sir Abdul Rahim) I have received notice of a motion to adjourn the business of the House from Mr. Govind V. Deshmukh. He wishes to discuss a definite matter of urgent public importance, namely, the refusal of the Government to remove the rifle range built outside the Peshawar Cantonment near Ledakal village surrounded by many villages which is a source of constant danger to the villagers resulting in loss of life, the recent being of a woman named Bacho who was hit by a bullet on the 15th February, 1941, and died the same day. When was this rifle range built?

Mr. Govind V. Deshmukh (Nagpur Division Non-Muhammadan) It was built some years ago.

Mr. President (The Honourable Sir Abdul Rahim) How long ago?

Mr. Govind V. Deshmukh: The matter is of recent occurrence. I do not know when exactly the rifle range was built.

Mr. President (The Honourable Sir Abdul Rahim) It has been in existence for some time?

Mr. Govind V. Deshmukh: Yes, but the danger is a recurring danger.

Mr. President (The Honourable Sir Abdul Rahim). You have mentioned one accident. I do not think it can be said that because an accident has occurred like this, this motion for adjourning the business of the House is justified. The motion is disallowed.

Mr. Govind V. Deshmukh: Sir, before you proceed further, may I bring one fact to your notice, apart from this adjournment motion, whatever its fate may be I had been to this House to hand over this notice of motion of adjournment to the Defence Secretary. He was not to be found on the premises. I waited for fifteen minutes.

Mr. President (The Honourable Sir Abdul Rahim) The motion is not in order.

Mr. Govind V. Deshmukh: My observations are quite apart from this motion, because the difficulty I mention is frequently occurring, and this is the second time that I experience this difficulty, and a remedy should be found out.

Mr. President (The Honourable Sir Abdul Rahim) The Honourable Member can have a talk with the Defence Secretary and make any suggestions he likes to him.

Mr. M. S. Aney (Berar Non Muhammadan) May I make a submission, Sir? What my friend is contending is this, that on two occasions he found that the Honourable Member concerned could not be seen in the House, and it is really difficult to hand over the notice in time. Some remedy should be found for it.

Mr. President (The Honourable Sir Abdul Rahim) All right, the Secretary will take note of it.

ELECTION OF MEMBERS TO THE COURT OF THE DELHI UNIVERSITY

Mr. President (The Honourable Sir Abdul Rahim) I have to inform the Assembly that upto 12 Noon on Friday, the 14th February, 1941 the time fixed for receiving nominations for the Court of the University of Delhi, five nominations were received. Subsequently one member withdrew his candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following to be duly elected:

- (1) Mr. Rafiuddin Ahmad Siddiquee,
- (2) Mr. Lalchand Navalm,
- (3) Dr. Sir Ziauddin Ahmad, and
- (4) Khan Bahadur Mian Ghulam Kadir Muhammad Shahban.

THE INDIA^N RAILWAYS (AMENDMENT) BILL

The Honourable Sir Andrew Clow (Member for Railways and Communications) Sir, I move

‘That the Bill further to amend the Indian Railways Act, 1880, as reported by the Select Committee, be taken into consideration.’

The changes made in the Bill are explained in the Committee's Report. The amendments in clauses 1 and 5 are of a virtually formal character, and the changes of substance are those in clauses 2 and 4 and are designed to

give further protection to the *bona fide* traveller. I do not propose to take up the time of the House discussing the individual clauses as these can be better considered at a later stage. I might say, however, that I have had the advantage of discussion with representatives of Parties in the House which will, I hope, tend to shorten our discussions.

We have not, however, reached complete agreement, I think, in particular, on clause 3 there is still a divergence of opinion, and I am afraid that that divergence is not merely one of detail but one of principle. I would, however, observe that the Bill really introduces no new principle. The principles are in the existing Act and the main object is to provide more deterrent penalties for infringement of the provisions. I notice that a number of amendments are directed not against this Bill at all, but against provisions which have been reproduced from the existing Act. There is a new departure admittedly in that it is proposed to render the fraudulent traveller who travels with intent to defraud liable to imprisonment substantively, and not merely in default of payment of any fines that may be inflicted upon him, and it is here I think, that the difference of principle arises. If Honourable Members will refer to the Minute of Dissent which two Members of the House have appended to the Select Committee's Report, they will find this fact.

"We have no objection in sending persons to jail for non payment of railway fares, penalties and fines but we do object to the principle in sending a person to jail in preference to realisation of fine. Some of our colleagues consider that the use of railway carriage without payment of necessary fare is equivalent to the pilfering from shop and comes under the heading of larceny. We do not agree with this view and we believe that the use of railway carriage without payment is a civil liability in the same manner as the non payment of the rent of a house. The use of a carriage without payment is not depriving any individual of any property."

I am afraid that it is exactly here that I differ radically. I cannot regard a passenger who travels with deliberate intent to defraud as at all on a par with a man who incurred a civil liability by an omission to pay his rent. I speak subject to correction, but I believe that even a man who entered a house with intent to defraud the owner of his rent would incur more than a civil liability. If a man who enters a restaurant, for example, without any intention to pay and knowing he has no means to pay, should devour a hearty meal and then not pay, I think he incurs more than a civil liability. But, actually, there is really no parallel in the two cases, because the person who has entered a house and has omitted to pay rent is there, unless he is a trespasser in which case he is punishable with imprisonment,—he is there with the knowledge of the owner and the owner is perfectly well aware of the amount and that the rent is due to him. The man who enters a railway carriage with intent to defraud does his best to conceal the fact that he owes any money to the railway and it is there precisely that one of the main differences lies.

I am afraid, in respect of the concluding observation which I have quoted, that I differ even more radically from the two Honourable Members who signed the Minute of Dissent. That is the observation, "The use of a carriage without payment is not depriving any individual of any property." I cannot myself regard fraud on the community as any less grave than a fraud on the individual. It is perfectly true that the man who travels without a ticket does not inflict any measurable loss on any single individual. He does not cause any appreciable injury to any particular individual except one, and that is himself on whom he inflicts a terrible injury. But at the same time he is injuring the community and the

[Sir Andrew Clow]

measure in which we are willing to ensure that the rights of the community shall be firmly enforced is the measure of the civic sense prevailing amongst us. I would appeal to Honourable Members to recollect that they sit here not merely to represent the weaker and the more tempted members in their constituencies and not merely to represent others in their constituencies as individuals. They are here to protect the public welfare on which all progress in society depends.

Mr. President (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Indian Railways Act, 1890 as reported by the Select Committee, be taken into consideration."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions, Muhammadan Rural) Sir, I move

"That the Bill be re-committed to a Select Committee consisting of Dr. Sir Zia-uddin Ahmad, Sir Muhammad Yamin Khan, Mr. J. Ramsay Scott, Mr. Govind V. Deshmukh, Mr. N. M. Joshi, The Honourable Sir Andrew Clow, Mr. B. M. Staig, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban Khan Sahib Shaikh Abdul Hamid, and the Mover, with instructions to report on or before the 26th March, 1941, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That the Bill be re-committed to a Select Committee consisting of Dr. Sir Zia-uddin Ahmad, Sir Muhammad Yamin Khan, Mr. J. Ramsay Scott, Mr. Govind V. Deshmukh, Mr. N. M. Joshi, The Honourable Sir Andrew Clow, Mr. B. M. Staig, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban Khan Sahib Shaikh Abdul Hamid, and the Mover, with instructions to report on or before the 26th March, 1941, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Discussion will proceed on both the motion and the amendment which has just been moved.

Pandit Lakshmi Kanta Maitra (Presidency Division, Non-Muhammadan Rural) Mr. President, I have listened with great attention to the appeal which has just been made by my Honourable friend, Sir Andrew Clow, to consider this piece of legislation mainly from the point of view of the welfare of the community as a whole and not from the point of view of individuals. I may tell him at once that that is a proposition with which I am in perfect agreement, but the question here is really one of approach. It is quite a truism to say that in all legislative matters a legislator should be guided by the sole and paramount consideration of the well-being of the community, nevertheless, when one gets down to settle the details of the line of conduct by which that ideal is to be reached, differences are bound to crop up owing to the differences in individual ways of thinking and to temperamental differences. On the broad question of checking ticketless travel, I think there is not one single Member in the whole House who is not at one with the Government. We do not require to be told that ticketless travelling, apart from its being a vice, is also a crime in that it defrauds the carriers of their legitimate dues. But with this question of delinquency, are bound up considerations which cannot be lost sight of. One has to bear in mind that

the railways in India are a monopolistic concern, a system of carriers which is a monopoly, and I am one of those who are opposed to any system of monopoly, however well designed, however benevolent it might be

Mr. N. M. Joshi (Nominated Non-Official) In the hands of a proper State, monopoly is an advantage

Pandit Lakshmi Kanta Maitra: I am in perfect agreement with my Honourable friend, Mr Joshi, that from the socialistic point of view, or rather from the point of view of enlightened socialism, if public utility services are in the hands of a State controlled by their own nationals, not by an alien bureaucracy, it is a blessing. In fact, it is a much better system than the one in which the public utility services are controlled by a machinery over which the people have no control

Sir, the House is aware that the Bill has had to pass through many a vicissitude. Last time when it was committed to the Select Committee, it was shorn of some of its original repugnant provisions but even as it has emerged from the Select Committee today one cannot fail to detect in it its noxious features, they are dressed up in such a manner as to elude one's notice. In the first place, the original Bill, I mean the Bill which was introduced by Sir Muhammad Zafrullah Khan in 1936 which was hotly contested and practically fought out of this House, provided *inter alia* that the onus of proof in a case coming under it before a criminal court would be invariably not on the prosecution, as is the established practice and principle of criminal jurisprudence in this country but on the man who would be prosecuted, that is to say, on the accused. On that one rock the whole Bill foundered. It met its doom. It passed away unwept, unhonoured and unsung. It was sought to be revived by another device in the following year and it was referred to a Select Committee which never sat. Government paid me a great compliment by taking me in that Select Committee even without my knowledge or consent, but, fortunately or unfortunately, the Select Committee of 1937 never met. Government had since been hiding their time to find a suitable opportunity to re-introduce the Bill and the opportunity came when my Congress friends walked out of this Assembly, in a dramatic exit in November last. What do we find today? The Select Committee has made an addition of two new clauses or sub-clauses, whatever they may call it. My friend Sir Andrew Clow, stated just now, that he never tried to introduce any new principle in this Bill. I do not see eye to eye with him in this statement. I do not understand what he really means by introduction of a new principle but what I feel is that the mischief, that was latent in some of the old provisions, has been made more patent by some of the provisions in the new Bill. What is really wanted is to set up a machinery by which this vice of ticketless travelling may be effectively checked. I am not one of those who believe that legislation however carefully worded can achieve the object, unless there is provision along with it for a suitable machinery by which the provisions of the Bill can be given effect to. I find that my friends on the Treasury Benches are obsessed with the belief that if they can only make some stringent provisions, so stringent that people would be simply scared away by them as they appear on the paper, the object in view would be achieved. This is a great mistake. There is, for instance, the capital sentence provided for the crime of murder. Has murder been completely

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wiped out of this country, by the fact that capital sentence has been provided for it? No. So, I say that by simply tightening up your legislative provisions you cannot effectively check this evil. But from this argument you must not infer, and you will be doing us a grave injustice if you do so, that we have sympathy with ticketless travelling. We have none. I for myself believe that you have made too much of this vice of ticketless travelling. You have given exaggerated emphasis to it. What do the figures say? From the figures that are available it would appear that of the total number of 529 millions of people who have travelled all over the different railway systems in India in the year 1939-1940, 1½ millions were ticketless travellers.

An Honourable Member:

detected ticketless travellers

Pandit Lakshmi Kanta Maitra: My friend wants to add the word 'detected' before. I wanted to put it after. I will accede to his request. The 1½ millions may be classed as beggars and mendicants detected. I hope that meets your point. Besides this, I am told that there were another 2.35 millions of undetected ticketless travellers of the non-descript class.

The Honourable Sir Andrew Clow: We do not know how many undetected cases there were. I referred to detected ones in both classes.

Pandit Lakshmi Kanta Maitra: Thank you for the correction. Besides this 1½ millions of detected ticketless travellers classed as vagrants and mendicants, there were another 2.35 millions of travellers who paid their excess charges and fares.

The Honourable Sir Andrew Clow: Both the 1½ millions and 2.35 millions plus 2.35 millions of ticketless travellers of the detected class. We do not know the number of undetected classes.

Pandit Lakshmi Kanta Maitra: It comes to this. There has been 1½ millions plus 2.35 millions of ticketless travellers of the detected class under the categories of beggars and mendicants and non-descript class, if I may say so, including in this formidable roll Government servants, travelling first class without ticket,—Europeans vying with Indians in the matter of travelling at night without tickets after putting down the safety catches.

Mr. M. S. Aney (Bera Non-Muhammadan) May I know whether this includes those travellers who travel in higher class with lower class ticket?

Mr. J. H. F. Raper (Government of India Nominated Official) Those who travel without a proper pass or ticket.

Mr. M. S. Aney: What is meant by a proper pass? Does this include those who travel in a higher class with a lower class ticket?

Mr. J. H. F. Raper: That would be so. It includes that.

Pandit Lakshmi Kanta Maitra: I am surprised to note that How can they be classed as ticketless travellers. It becomes a misnomer. Out of a total of 529 millions who actually travelled on all railway systems, this figure worked out mathematically comes to 5 per cent of the total travelling population. Where is then your case for a Bill like this? I have said on more than one occasion that I honestly believe that this evil can be effectively checked without the provisions of this Bill, if there is set up a proper machinery for issuing tickets at all railway stations, that is, if the Railways provide better facilities for issuing tickets and for checking of tickets.

Nobody would encourage ticketless travel when he is inconvenienced by these travellers, people who pay their fares and travel in compartments are the last persons to like others, who do not pay for their passage, to travel with them and cause them annoyance, inconvenience and disturbance. In the interest of their own comforts it becomes a sort of necessary duty with the travelling public, who pay their fares, to detect these ticketless travellers. But the difficulty is that even if they are minded to help in their detection, the proper people are not coming forward to deal with these men. That is the experience of most people. I gave several instances in connection with the Ticketless Travel Bill of 1937 and the position is the same today also. I pointed out to my Honourable friend, Sir Raghavendra Rau, who was then in charge of these matters in place of my esteemed friend, Mr. Staig, that military men, represented here by my friend, Mr. Ogilvie, who is not here now, behaved as if it was their birthright to travel in upper class compartments without holding proper tickets for them.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions Non-Muhammadan Rural) The Europeans are the greatest sinners in the matter of travelling higher class with lower class tickets.

Pandit Lakshmi Kanta Maitra: On one occasion I had to take the help of the guard of the railway train to evict these people from my compartment. These people had not been holding any proper pass or ticket. One Tommie had the cheek to tell me that he was a military man coming from the district of Chittagong. Well, I said he might have had his way there under lawless laws but this was a Railway Administration and he could not travel with impunity without paying the Railway fare.

Mr. M. S. Aney: Don't you think that class should be sent to jail?

Pandit Lakshmi Kanta Maitra: I would much rather like that people who abuse their privileges as Government servants should be sent to jail as they are expected to have a better sense of discipline and duty. Sir, I was told on the floor of this House that it is the usual practice with military people to travel a class higher than that for which they hold a ticket. If you want to make a law which would be applicable for all classes of people, civil and military, Government servants and non-Government servants, I am at one with you, but I am absolutely certain that whether it is Mr. Staig or the Honourable Sir Andrew Clow, none will ever enforce the rule that military people should never travel in a class of carriage other than that for which they hold tickets. Why should I then be a consenting party to a piece of legislation under which such discrimination is allowed?

Mr. N. M. Joshi: What about saloons?

Pandit Lakshmi Kanta Maitra: Sir, I am leaving aside the question of saloons in connection with this ticketless travel. What usually happens

Mr. M. S. Aney: In saloons men who are not entitled to travel therein also travel

Pandit Lakshmi Kanta Maitra: That is quite true. Cases have been brought to the notice of this House where people not entitled to travel in saloons have actually travelled therein,—and saloons used to be let out also in the good old days, but they are not to be now I hope in the days of Sir Andrew Clow

An Honourable Member. For shooting?

Pandit Lakshmi Kanta Maitra: On far more romantic business than shooting, viz, honey-mooning. Sir, it has been our experience that very often people have to travel by railways without tickets, not with the object of cheating Railways but because they have not been able to come in time to the station to buy tickets, but for some urgent or important business they have had to board the train and not to wait for another train which might run hours after that. On many occasions people cannot buy tickets because there is such a formidable rush at the counters and they cannot elbow their way to them, that is a fact. Go to any counter in an important railway station and see for yourselves. I am not talking of the first class or the second class counter but I am talking of the third class counters. You will find what a tough job it is to purchase a ticket there. It becomes a question of the trial of strength and nowhere is the law of the survival of the fittest more in evidence than at the third class counters in an Indian railway station. The weak people cannot take the risk to buy tickets there, but they have to travel all the same. They do want to pay their legitimate fare, but where is at present the effective system of arrangement by which they can do that? There used to be in the old days guards who were authorised to give permission to such passengers to travel without tickets but they would realize the legitimate fares from them either at the train or at the end of their journey. Later on, a notification was issued by the Railway Board withdrawing all such powers from guards or other travelling inspectors on duty.

An Honourable Member: On what Railway?

Pandit Lakshmi Kanta Maitra: On every railway system.

An Honourable Member: No, no

Mr. President (The Honourable Sir Abdul Rahim) The Honourable Member ought to address the Chair

Pandit Lakshmi Kanta Maitra: I am sorry I had to reply to that interruption.

This matter was brought to the notice of the then Honourable Member in charge, Sir Joseph Bhore, and my friend, Sir Raghavendra Rao, was

pleased to issue a circular as a result of which guards are now permitted to issue certificates on payment of certain penalties. That is still the practice. In the case of third class, it is a penalty of two annas, in the case of inter class, it is four annas, in the case of second class, it is eight annas and in the case of first class it is one rupee. For instance, if a person cannot buy a ticket and has to travel a distance of five miles, he may inform the guard who gives him a certificate, then if the normal fare is six pice, he will have to pay two annas more as penalty—for his inability to purchase a ticket, due to circumstances over which he had no control. This I say is highly unfair.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) I do not think there is such a system of certificates?

Pandit Lakshmi Kanta Maitra: A limited power is given to the Eastern Bengal Railway and perhaps to one or two other Railways and that power is now in the hands of the guard. However, I expect a reply on these points from my Honourable friends Mr Staig or Sir Andrew Clow. So it has been provided in the first clause that permission should be sought for entering a railway carriage or remaining in it from a competent railway authority in the absence of a proper ticket or pass. If you want to enforce that, then it is incumbent on you to provide that whenever such permission is sought, that permission should be forthcoming, in other words whenever permission is sought, it must be given. Of course, if there are other circumstances such as over-crowding and you cannot allow the passengers to get in, it is another matter. But it will not lie in the mouth of the guard to say 'I have no power to do anything'. What usually happens is like this. A man at the last moment comes to the station and cannot buy a ticket and he wants a certificate from the guard saying that he is travelling from such and such place and that he has not been able to buy a ticket. But the guard says that he has no authority. Then the poor fellow asks him where to go. The guard says 'I do not know'. In this way he keeps moving like a shuttlecock from place to place till he is caught hold of by a ticket checker in the train who says 'You have been travelling without a ticket'. Now, this must be stopped and if you are to stop it, then, I think, the best thing would be to allow a passenger so circumstanced to inform the guard of the fact of his boarding a particular train and of not being able to purchase a ticket and this intimation ought to be enough to absolve him from all penalties or excess fares other than the charges for which he is liable. But the Select Committee has not made any such provision. I, therefore, ask the House to consider this aspect of the question, whether or not a passenger should be compelled to pay the excess fare besides the legitimate fare if he cannot, in the absence of any such provision by the Railway, intimate the fact of his travelling without a ticket or the fact of his not being able to purchase a ticket. We have suggested by an amendment that whenever such permission is sought, at least the grant of such permission shall be obligatory.

Then, Sir, there are two vital things that have been introduced into this amending Bill but which have been practically left untouched by the Select Committee though two of its Members have appended a Minute of Dissent. They are the substitution of imprisonment as a substitutive form of punishment in lieu of fine and the power of railway servants to eject persons found

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travelling without ticket Sir, as I read the Select Committee's Report, I express my thanks to the two dissentient Members, Dr Sir Ziauddin Ahmad and Mr Deshmukh, for the Minute of Dissent they have appended to the Select Committee's Report I may not agree with some portion of it, but it has touched the main points indicating the dangers and difficulties that lurk within the provisions I would like to draw the pointed attention of my Honourable colleagues to these provisions Sir, in the proposed amendment of section 112, the Report of the Select Committee has changed the existing penal provision by providing as a substantive form of punishment imprisonment for a term which may extend to one year Section 112 of the Indian Railways Act, as it stood before, read thus

"If a person with intent to defraud a Railway Administration enters, in contravention of section 68, any carriage on a railway or uses or attempts to use a single pass or a single ticket which has already been used on a previous journey, or in the case of a return ticket, a half thereof which has already been so used, he shall be punished with fine which may extend to Rs 100 in addition to the amount of the single fare for any distance which he may have travelled"

Now, the Select Committee has amended this penal provision in this way

"Shall be punished with imprisonment for a term which may extend to one year or with a fine which may extend to Rs 100"

I do not understand what led the sponsors of the Bill to make such a big jump to substitute the substantive punishment of imprisonment for fine Even if they consider that such a provision for imprisonment would act as a sort of deterrent, may I ask why did they prescribe one year's imprisonment for a person travelling without a ticket? It is absolutely monstrous I want the House to bear in mind that in 1936 when Sir Muhammad Zafrullah Khan brought his Bill, there was provision in it for only two months' imprisonment The Bill was scotched but could not be killed and it has now been revived with a fresh fang, more potent and poisonous Now, what has happened in this interval that we should enhance the punishment from two months to one year? The House has to bear in mind another fact As I pointed out at the very beginning, Indian railways constitute a monopolistic system under the absolute control of the Government but there are other alternative modes of transport One may or may not agree as to how far a civil liability can be transformed into a criminal liability as has been sought to be done in the present Bill My friends on the Treasury Bench have differed from us They simply think that it is not a civil liability at all But may I ask if there has been a single case when a man who travels over a Steamer Company, for instance, without a ticket and does not pay his fare but has been sent to prison, because of this non-payment of fare, for a term which may extend to one year, unless, of course there is a definite proof that the man was travelling with the object of sabotage or of some other mischief? If a person runs a motor transport service, is he going to get that kind of protection from law which you want for your own railway system? This is absurd. Why should this railway system ask the Legislature of this land to arm it with protective powers which other alternative systems of transport in this country are not entitled to enjoy? This is a point which the House should bear in mind Therefore, I would submit that if you at all want that the punishment of imprisonment should be substantive, you should not fix it so high as that You may fix it at two months at the most as it was

originally proposed by Sir Muhammad Zafrullah Khan. We are not prepared to go beyond that. That is our feeling, that is our view. You may carry your proposal by the sheer brute force of your votes. But that is another matter. We cannot associate ourselves with it. We cannot support a provision by which any man travelling without a ticket may be sent to one year's penal servitude. We are opposed to that.

Sir Muhammad Yamin Khan (Agra Division, Muhammadan Rural): If he cannot pay what would you suggest?

Pandit Lakshmi Kanta Maitra: I am opposed to imprisonment. I have told the House so often that I am opposed to the substitution of imprisonment as a substantive form of punishment for people travelling without tickets.

Sir Muhammad Yamin Khan: You want that to be alternative.

Pandit Lakshmi Kanta Maitra: There should only be a sentence of fine as no other systems of transport are allowed any special treatment. We are not going to give any specially privileged position to the railways. The railways cannot claim any.

The other point is that the Select Committee have provided a sort of machinery by which the fines are to be collected. Now, Sir, I have something to say with regard to this. The Select Committee have provided that if a railway servant specially authorised by the Railway administration applies to any Magistrate for its demand against any person the Magistrate shall realise it from him as if it were a fine and may for that purpose even send that person to imprisonment extending to one month. Sir, I was extremely surprised when I read this provision of the Select Committee. Apparently it evaded the vigilance even of my Honourable friend, Dr. Sir Ziauddin Ahmad, and also of the able lawyer Mr. Deshmukh. May I ask, why create this machine of a magistrate who is simply to execute the orders of a railway servant? The rank of the railway servant is not specified, his status is not defined, he gets an authorisation from his employers to approach a Magistrate and tells him 'Sir, so much is due from this man'. What is the devil of the Magistrate to do? He has not to go into the merits of the case. He has simply to issue a distress warrant to get hold of the property of the man and failing that he will send the man to prison for one month. I am told that this provision makes no departure from what obtains in the existing Act of 1890. Sir, in the Railways Act of 1890, there is a provision similar to this, but the setting in which it appears here gives it a different import. Moreover it took several years before the several High Courts in this country could lay down its actual meaning and significance. In the High Court case reported (1920) in 55 Indian Cases—*Station Master Ranaghat versus Habul Sheikh*—and also in the case reported in 14 Calcutta Weekly Notes, page 195,—it was laid down that an order imposing a penalty without any inquiry is bad in law, that when a person is charged under section 113 of the Railways Act for travelling without a ticket and he denies that he travelled by train, the proper method of dealing with the case is to hold an inquiry and take evidence as to his liability to pay and how much payable by him and that an order imposing a penalty without any such enquiry is bad in law. Sir, I would ask the House to bear

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in mind that this Railways Act was passed in 1890 and it was in 1920, that is thirty years afterwards, that such a clear judicial interpretation was put on this section I, therefore, suggested—I have so suggested in my amendments—that you must set that point beyond the possibility of doubt. In other words, you must recast the present phraseology which runs thus

“any railway servant appointed by the railway administration in this behalf,”

I draw the attention of the House to the expression “any railway servant”, the rank of the railway servant is not mentioned.—

“may apply to any Magistrate for the recovery of the sum payable as if it were a fine, and the Magistrate shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extend to one month”

I am afraid this is an absurd position. I know that it is not the intention of my Honourable friend, the Railway Member, or his Department, to reduce the Magistrate to such a position but when with the set object of checking ticketless travel, you make a legislative enactment, you must make your provisions precise and clear. You cannot leave it to the speculation of lawyers, you cannot leave it to the ingenuity of clever disputants to find out its proper meaning. Therefore, I do suggest that when a railway servant of a certain rank is authorised by the railway administration to make representation to a Magistrate of a certain rank, the Magistrate should record evidence and, if he is satisfied, shall proceed to realise the charge. The point that I wish to be made quite clear is that the Magistrate is not simply to carry out the behests of the railway servant. He has to apply his own judicial mind to the case referred to him. The Magistrate should be judicially satisfied on evidence to be recorded in writing. Sometimes the Magistrate may be satisfied by a variety of other things and not by actual evidence. For instance, a railway servant may represent to the Magistrate that a sum of say Rs 10-12-0 is due from a passenger. According to the present provision the Magistrate can then issue a distress warrant for Rs 10-12-0 to be realised from the passenger. It is not open to the man so charged to say “I have not travelled by the train at all”. If you simply say that the Magistrate should be satisfied, the Magistrate might ask the Station Master or the Assistant Traffic Inspector, “What sort of man is this railway servant who has complained? Is he generally honest?” The Station Master tells the Magistrate, “Oh! yes, he is an honest man”. The Magistrate may feel satisfied by these credentials or the man who charges the passenger. The Magistrate acting on this statement of the Station Master might issue a distress warrant for the collection of the charges. I, therefore, suggest that the provision should be made crystal clear that the mere fact, that a complaint is made by a railway servant to a Magistrate asking him to realise a certain amount for the railways from a person who is alleged to have travelled without a ticket will not entitle the Magistrate to proceed straight away for its realisation. In other words, he must hold a trial or enquiry and evidence has to be recorded, because apart from the question of amount, the question of liability also may arise. The man may say, “I did not travel by your train at all, I only came into the platform but could not buy a platform ticket as I was hard-pressed for time, or as I did not find any man at the counter. My people know that I am just coming down from the taxi.” Such a course will not be open to him if according to the provision of this Bill the

Magistrate straightaway proceeds to realise the fine on the complaint made to him by a railway servant. The man, so charged, should be given a chance to prove that he is not liable for it, or to prove how much is due from him. In other words, the fact that this is not intended to be a summary procedure,—summary in the sense of simply carrying out the behest of the railway administration,—should be clearly provided for, and for this purpose even if the wording has to be changed a little here and there, that should be done. I have suggested, for instance, the words "if on evidence to be recorded in writing the Magistrate is satisfied." I think from the point of view of legal phraseology this might do.

Then, the last point relates to the power of eviction. One can thoroughly sympathise with Government in their anxiety to drive out undesirables or delinquents who do not pay for their journeys but use their carriers. But this provision may lend itself to abuse at the hands of unscrupulous persons. It cannot be contended, Sir, that all the railway servants employed in all the different railway administrations are honest, that they are people above reproach and will never abuse the power which is conferred on them under the provisions of this Act. For persons found travelling without tickets you have already provided one remedy just referred to, that is to say, you may arrest the man and make your demand and ask the Magistrate to realise that demand on your behalf, and you may even evict them under certain exceptional circumstances. But the circumstances have to be specified. For my part I am inclined to think that no man should be let down at an unimportant road-side station. Not that you are to accommodate him or oblige him by placing him in a comfortable place, but that you are to realise from him your dues. The fact of your setting him down does not take away from you your right to realise from him your legitimate dues. While you will be at perfect liberty to do that it is equally your duty, and a duty which I believe should be provided for clearly, that he should not be placed in an altogether helpless position. In other words, you should either set him down in the administrative headquarters of a district or in any junction station, so that the man may shift for himself or may be in a better position to pay up your dues and at the same time he may make his own arrangements for going to his own destination. For that, Sir, I have suggested that they may be set down or evicted only at a junction station or at the administrative civil headquarters of a district. Besides, Sir, my Honourable friend, Haj Essak Sait has made a reasonable suggestion that if women and minor children who are not chaperoned by any adult male persons, happen to be travelling without tickets in their case eviction should not be resorted to between the hours of 6 P.M. and 6 A.M. That is good by itself but in no circumstances should anyone be set down at a roadside station. I want this particular provision to be extended to men also, that is to say, that they also should not be evicted and set down at any station other than a junction station or a district headquarters station. They may thus be enabled to pay your dues.

Mr. President (The Honourable Sir Abdur Rahim) That is a question which can be better discussed when the clauses are considered.

Pandit Lakshmi Kanta Maitra: With these words, Sir, I would ask the House to carefully consider the provisions as they have emerged from the Select Committee. I hope my friends on the Treasury Benches who apparently are getting annoyed with me for making this speech, will take

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my remarks in good part After all they have no constituency, we have our constituencies

Mr. President (The Honourable Sir Abdur Rahim) The Chair does not think the Honourable Member need make any apology for his remarks

Pandit Lakshmi Kanta Maitra: We have to explain our position to our constituencies and as this is a measure which has been hanging fire since 1936 and is going to take a definite shape today I appeal to the Members of the Treasury Benches to pay sympathetic consideration to the suggestions made by us and to accommodate us as best as they can They are in a position today to have their own way without having to change even a comma or a semicolon of the Bill as it has emerged from the Select Committee But the little section of the House that is here to represent the people is doing its humble duty to its country and constituency It is its duty to make the provisions as little obnoxious as possible and at the same time to give Government their desired weapon to be used by them, it is hoped, sparingly with care and caution Sir, I support the motion

Mr. Muhammad Azhar Ali: Sir, in moving this amendment I should like to say that the whole public of India is not only morally, but also materially, interested in this Bill Both high and low, and mostly even the middle classes of India will be affected by this Bill It is a Bill through which, so far as I have been able to ascertain the Honourable Member wants to raise the moral standard of the Indian public He wishes to teach a lesson on morality to India which perhaps India did not know His object is to value and measure the morality of Indians by means of this Bill He thinks that if this Bill is not passed by this House today Indian morality will be considered to be very low Sir, I submit that Indian morality is very high

The Honourable Member who spoke before me has given illustrations of Europeans, soldiers and Government servants, who are found guilty of moral turpitude or whatever else you may call it Sir, even those who travel in saloons may have sometimes found some difficulty with the railway officials It is not a question of immorality it is a question of the poverty of India We have to see how our people suffer under your strict laws, your strict rules, and your callousness in framing rules and regulations for Indians This is not a matter that we should pass so easily in this House It is a matter in which everybody, not only the males, but also the females of India, will be subjected to very great inconvenience, and, sometimes, to disgrace I appeal to every Honourable Member in this House, even to the European Members, to think about it, whether this is the time, when such a drastic measure should be brought forward in this House, A Bill like this was brought before this House previously, but the Honourable Sir Zafrullah Khan thought it wise to withdraw it,—and why? He wanted that this Bill should be considered very carefully by the Legislature. This is not an easy matter Today, of course, when the House is almost empty, you can carry any Bill you like, but I would call that immoral and an act of moral turpitude myself, if you carry this Bill today in this House Unless you soften the rigours of the Bill, unless you provide such amendments as will satisfy the public, I think this Bill will affect every section of the Indian community Today I may be rich, tomorrow I may be poor, but this Bill will hang like a Damocles' sword on the head of every

Indian who travels in a railway compartment. This Bill has been brought with a vengeance. Yesterday we had only two months' imprisonment, and I ask the Honourable Member why now raise it from two months, with such a jump, to one full year? And, that, with no alternative? During the interval which has passed between the withdrawal of the Bill, in 1936, of Sir Muhammad Zafrullah Khan and the present time, have the circumstances changed so much that the penalty should have been raised so high? I do not see any morality in the idea of raising this penalty to this extent. However, Government know their purpose very well. But it is only fair to inform them that this cannot be considered to be very high morality, if I may say so. You want to make a civil liability into a criminal liability, and why? These are the questions, and the very pertinent questions, that I put to the Railway Member. Why all these drastic measures? Was there any great necessity? Did the public want it? I say "No". The public never wanted that the Bill should come in such a drastic form before the Assembly today.

Mr. M. S. Aney. Does the "public" mean ticketless travellers?

Mr. Muhammad Azhar Ali: I never said that the public meant ticketless travellers. However, the point is this. Today we are about to pass this Bill in this House, and if we can take the severe portions out of it, we will be blessed if we cannot, we will be cursed. I want the Honourable Member to remember that if this Bill is recommended to Select Committee, I am sure, the drastic nature of the Bill will be changed, and the stigma of such Bills that are being passed in this House today, when the Opposition Benches are almost empty, will be taken out. Therefore I would like to say that the suggestions which have been made in the note of dissent by our two friends here ought to have been considered. For instance, it is true that if evidence was taken and the Railway Agents had been invited to this Committee to state what alternative steps could be taken, it would have been a wise step to take. It is said in this note that these points could have been so discussed:

- (1) How we can stop re-selling or re-using the second half of return tickets
- (2) In what manner travelling in upper classes at night without ticket may be minimised
- (3) How to prevent the railway employees from travelling without ticket or misusing their privileges.
- (4) What procedure should be adopted in case of persons who have no money and for whom imprisonment will have no deterrent effect, such as beggars and *sadhus*
- (5) Checking the tickets of upper class passengers whose servants are sometimes better paid than the ticket examiners
- (6) The control of traffic and the examination of tickets during the *melas*.

I think these were very pertinent suggestions that could have been ascertained from the Railway Agents, and if they could have suggested an alternative, it would have been very much better, but I find there is such a hurry to carry the Bill in this House today. We know it for a fact that

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formerly the salary of these ticket checkers rose to about Rs 400 or perhaps a little less, but now it has been reduced to Rs 200. It does not stand to reason. These are the questions which should have been considered. If you allow these people, who are low paid, to arrest and to charge from the public, then you encourage a sort of corruption. We ought to put such people above these things, and we want that the rules that prevailed formerly about the pay of these people should be reconsidered. These are the questions involved in this Bill. It is not merely a question of measuring the income in the budget, and, therefore, instead of paying it we should realise more from the public. This should not have been the guiding and ruling principle of this Bill. With these remarks, I hope, my motion, that the Bill be recommitted to a Select Committee, would be accepted.

Mr. Lalchand Navarai: Sir, no one doubts that there is ticketless travel on railways. No one doubts that that is an evil. No one doubts that it should be stopped in some better way than that proposed by this legislation. I have been observing this measure discussed from the very beginning when the first Bill was introduced—though not the same measure but a similar one. In the attempt to put down ticketless travelling, very stiff and drastic measures have been proposed from the very beginning. That brought numerous objections to it, and it was protested that the Government was exercising its powers with a vengeance in attempting to stop the ticketless travellers. Whenever I spoke on this subject, I always pointed out in the past that the Government forgot their own duties in the first instance, and that the remedy they were applying was quite wrong. The remedy of applying stiffer legislation to stop this evil will never succeed in a matter like this, specially in India. I say specially in India, because it cannot be denied that there is ticketless travel in other countries as well, but in India the biggest sinners are beggars and mendicants. Most of the ticketless travel that goes on on our Railways can be easily attributed to them, but apart from this class of people, there are many others also who travel without ticket, and it can be successfully proved that the latter class are not doing it fraudulently, even in case of beggars and mendicants no such question of fraud can arise.

Mr. M. S. Aney: Why?

Mr. Lalchand Navarai: Fraud as defined would mean an intention to deceive. There is no intention to deceive here. The point here is, it is not merely entering a compartment that makes it a fraud. If that is so, then there are two clauses here, sections 112 and 113,—one who enters a compartment without ticket comes under section 113, and one who comes under section 112 will also enter the compartment without a ticket, but the Railway will have to prove in case of beggar also a fraudulent intention that the man who enters the compartment has done so with an intent to defraud or to deceive the Railway. It may be said that one can easily understand what fraud is, but fraud is not defined anywhere, it is not defined even in the Indian Penal Code. It only defines an intention to deceive, and it is for the prosecution to prove what is the ingredient of deceit in it.

Mr. M. S. Aney: If he intends to travel without a desire to pay, it is an offence, it is a fraud.

Mr. Lalchand Navalrai: How are you going to prove that any one who gets in has had no intention to pay?

Mr. M. S. Aney. Because he has no money in his pocket

Mr. Lalchand Navalrai: How is that a fraud according to this Act? In the first Bill it was stated that the burden would be upon the person to show that he had no money, and it was held that such a provision should not exist at all. Here the section reads thus "If a person with an intent to defraud— Now, to prove an intent is not easy, unless, as it happens as it does now and in some courts I shall be very sorry to hear that it my friend, Mr. Aney endorses it. What happens now in practice is this. You catch hold of a man who travels without a ticket, take him before a magistrate, and the magistrate takes it for granted that the accused entered the compartment without a ticket, and that alone proves fraud, and the poor people are punished for it. Therefore, it is very necessary to prove that the person who entered the compartment had an intent to defraud the railway, as there is difference in the two sections 112 and 113.

Maulana Zafar Ali Khan (East Central Punjab—Muhammadan) Is there any difference between defraud and deprive?

Mr. Lalchand Navalrai. Merely depriving a man of his dues is a civil wrong. Supposing you don't pay the rent of a house, then, it is a civil wrong. My whole point is, it is very difficult to prove that a man entered the compartment with intent to defraud the railway, unless it can be held that merely entering the compartment is an offence in itself. The Honourable Member in charge cited two examples,—one, the intent may be inferred if the man has no money. The man may have money, but he entered the compartment for some other reason, that is to say, he reaches the station just in the nick of time and had not sufficient time to get a ticket. But if such a person happens to be a beggar, the magistrate will say that the accused being a beggar,—he entered the compartment fraudulently. That will be very wrong. Then, take the other instance about concealing himself. How can one conceal himself? He enters the compartment so openly. How can it be said to be fraud? If it is found that a man who has been caught has been habitually travelling without ticket or that he had been convicted of such an offence before, in such a case it may be held that he entered the compartment fraudulently. The object here is to catch hold of mendicants and beggars and bring them under the purview of section 112 which would be absolutely wrong. These people have been travelling for years without ticket, it has been more or less a tradition with them to go to pilgrimages. These people travel by rail, without ticket, sometimes on foot also, and in the case of these people it can never be said that they had a fraudulent intention to deceive the railways. Intent is quite different from only actually doing a thing. Therefore, if it is intended to penalise these people, the remedy proposed is not the right remedy, because they have no intent to deceive the railway. On the other hand, there is not enough vigilance on the part of the railway people to see that these beggars and others of this class do not get into the railway compartments. The sinners are the railway people themselves who out of sheer sympathy allow these people to get into the compartment. Besides that, what is the obstruction to these people getting into the compartments

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where the railways have not provided any fencings even to the platforms' The platforms in most places are quite open, the doors of the stations, too, are sometimes quite open, and these people get in, are not these temptations to these people to get in'—and then you charge them with fraudulent intention under section 112 and sentence them to one year's imprisonment Sir, section 112 is not too drastic to apply

Then, coming to the rigour of the Bill, there were many points that should have been considered by the Select Committee The Select Committee as it was constituted consisted of three Railway Officers,—I say the Leader of the House also was once in charge of the Railways and he had himself put in a Bill and no one can expect any sympathy from him Coming to the present Railway Member, he holds his own and wants that ticketless travelling in any manner should be stopped even without their own men, their own employees taking proper precautions Then the third member was Mr B M Stag I do not want to cast any aspersions upon these men, but we find two elected Members of the Select Committee, Dr Sir Ziauddin Ahmad and Mr Deshmukh differing on many points and putting in a very long Minute of Dissent

Sir Muhammad Yamin Khan: What about Mr Shahban ?

Mr. Lalchand Navalrai: I am coming to him now You want that the Khan Bahadur should be mentioned in this connection

An Honourable Member. Don't drag him in

Mr. Lalchand Navalrai. He was there, and how he came to be a party to agreeing to one year's imprisonment being given to these people I myself cannot possibly understand I know him for a very long time and I know he should have, if not sympathy, a sense of justice on this question Still we find that he has also agreed and quietly put his signature over there Sir, my point is this Excepting the question of providing for a certificate, on all other points these two dissenting Members have been overruled As regards the question of punishment, I do not know how it was raised from two months at once to one year In the former Bill it was two months It cannot be said that the House agreed to even motion for two months, on the contrary, it was urged that only punishment in the shape of fine should be retained It is not shown now that since the earlier Bill ticketless travelling has increased No facts and figures have been given in order to compare what was the number of ticketless travellers in those days, and how far that number has increased now Therefore, there is no justification for increasing the punishment to one year In the Indian Railways Act itself there are other offences which are more heinous than this, and yet the punishment prescribed for them is only fine Section 116 says

"If a person wilfully alters or defaces his pass or his ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with fine which may extend to fifty rupees"

To alter tickets is a more serious offence, it is committing more than fraud It is cheating, and for that, the punishment is only Rs 50 fine

Whereas in the present case it would be even difficult to prove that they had done it fraudulently. The next section says

"If a person suffering from an infectious or contagious disorder enters or travels upon a railway in contravention of section 71, sub section (2) he and any person having charge of him upon the railway when he so entered or travelled thereon, shall be punished with fine which may extend to twenty rupees."

The idea is that Railway being a commercial concern, no harsh provision should be put in, which might alienate the feelings of the public, and with that intention the original Railways Act has been so framed as to be lenient with regard to punishment. But let me in fairness also bring to the notice of the House another section where one year's imprisonment is provided, but the point is that that offence is a very heinous one, and much more offensive than the one we are now dealing with. Section 129 says

"If a person rashly or negligently does any act or omits to do what he is legally bound to do and the act or omission is likely to endanger the safety of any person travelling or being upon a railway he shall be punished with imprisonment for a term which may extend to one year or with fine, or with both."

There is a very great difference between this offence and the offence of ticketless travelling.

On the question of certificate, I submit that unless certain rules are framed and instructions are given to the employees of the railway as to the manner in which this should be carried out this provision will not be at all fruitful. The Select Committee did not accept anything else than this. They say in the Report

"The principal amendment made by us in the Bill is our provision that no excess fare shall be payable by a person travelling without a ticket if he has obtained from a railway servant permission to proceed without having a ticket. For this purpose we have introduced in clause 2 the provision providing for the grant of certificates which was included in the Bill of 1936, and have added a proviso to that already appended to section 113 (3)."

With regard to this, I feel that this will not be practicable. At present even the permission that sometimes is asked for and is given by the guards is not being given by the ticket inspectors or ticket collectors who are in the train. They refer the man to the guard. What happens is that the man is not able to intimate to the guard that he has come at the nick of time and that he is travelling without a ticket and will pay at the next station. The guard remains far away and the ticket checker who comes and finds that a man is entering without a ticket cannot permit him to do that. There is great difficulty in that. He asks for a certificate and there is no time for giving it and he may be said to have fraudulently travelled and incurred the penalty. This provision is a very good provision but in order to see that this provision is acted upon, certain instructions should be given that when a certificate is asked for it should be given at least at the next station and he should not be considered to have travelled without ticket.

An Honourable Member: Provide for it in the law.

Mr. Lalchand Navalrai: It may be provided either in the law or in the rules. Then, further, I do not understand that if a man comes at the nick of time informs the guard or the railway subordinate that he is travelling why in those circumstances should he be subjected to a penalty of one-sixth. If he informs the guard then it is his duty to give him a certificate.

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and why should he be charged this one-sixth and I hope this point will be made clear by the Honourable the Railway Member. The proviso says

"Where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna or two annas whichever is greater."

Then another proviso follows. With this proviso there, I do not understand why the first should remain

An Honourable Member When the certificate is given there should be no charge

Mr. Lalchand Navalrai There is no sense in having both. This anomaly should be removed.

Then there is the question of taking the man to the magistrate to recover the fine. This matter has been very ably put before the House by the Honourable Mr. Maitra. He is brought before the magistrate with a direction to the effect that such and such a man has incurred a fine and the magistrate shall collect the fine. I submit this would be an unjust order. The magistrate must make a judicial order. You cannot simply give a direction that he should recover the fine in a particular manner. I submit, therefore, that this provision is also very harsh. I would call it an illegal provision, therefore this should be improved. Now, imprisonment in default is being provided. Now, I submit that for recovering the fine there is a particular procedure prescribed in the Criminal Procedure Code and why should we depart from that and give punishment in lieu of the fine. To make a general provision like that is not correct. With regard to the removal question, I submit that consideration should be given to this fact that power is being given here not only to the railway subordinate who is to be authorised by the particular authorised officer. He can also call any person to his aid and what do we find in these days. The police officer or the constable present is being called for and that creates trouble. The constable comes. He asks that man and generally a quarrel or a disturbance occurs. Therefore, it should not be the police officer who may be called for. It should be that another authorised officer is called for to help him, not any man that is present on the platform. He may be his enemy. This also requires to be improved. I have put in many amendments and I do not want to take up more time of the House on this general discussion. The point is very plain that the Bill still remains drastic and harsh and that harshness should be removed. There is a suggestion that this Bill should be recommitted to a Select Committee. There is sense in that, in this way, that the Honourable the Railway Member is inclined to minimise the harshness of the Bill. For that purpose it will be much better that this Bill is again considered by the Select Committee and they may come to a certain conclusion which may be acceptable to the House.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa Muhammadan) Mr. President I think it may be rather too late for me now to say much against the principle of the Bill as it has emerged from a Select Committee and it is before us now for consideration. This Bill has been presented to us for final sanction and for making us a party to enacting it into law, whether we like it or whether we do not like. The

House as it is constituted today can certainly pass any legislation that may be construed to be in the interests of the present Government, it may not even actually be in the interests of the Government but so long it is thought to be in the interest of the Government by the Member in charge of the portfolio today. First of all, I would like to say this. I am not speaking as a big lawyer but only as a man of ordinary intelligence and ordinary intellect anxious to understand the proposal. I would like the Government to say whether there is any legislation existing in any part of the world similar to this. Is there any legislation like this in South Africa, in Canada, Australia or anywhere else? Are there any figures to show the percentage of ticketless travelling in those countries and that have they passed legislation to stop same? If there are no data, then why Indians alone should be considered a people for whom this Bill should have been introduced. I want an answer to that from the Honourable Member first. By accepting the principle of this Bill, *prima facie* we accept that the people of this country are dishonest and that they have been defrauding the railways, the public carriers of this country of a certain income and that is why the Government of the country have thought it necessary to bring in a measure with such stringent provisions, to be put on the Statute-book of this country. I want an answer, I want that the House should be satisfied on that point at least I think it is the right of the representatives of the people to be convinced on this point before we proceed further.

Next, Sir, are Government convinced of the fact that legislation of this nature would eliminate all possibility of ticketless travelling in this country or of all possibility of recovering present loss in the railway revenues of the country? Is there any guarantee to that effect? My feeling is this—and that is the feeling certainly of many hundreds of thousands of Indians—that instead of eliminating the chances of “Ticketless Travel” there will remain quite a large number of people travelling without tickets in this country even if Government prescribed penalties under sections 302 or 304 of the Indian Penal Code where punishment may be of transportation and death. Even then there will remain beggars, *sadhus* and mendicants who are so fed up with their wretched lives that they would rather end their lives somewhere than arrange for funds for their tickets. I would like to know whether the Government of India have tried to make any sort of census report, to find out how many people could afford to pay actually and how many of them were such as would not be able to pay in spite of any legislation. Is there any stock-taking of that nature? Are the Government of India alive to that situation, *viz.*, that in spite of any legislation in this country, the situation would remain to a very great extent the same as it is today? Have the Government of India been able to convince themselves that legislation of this nature would at all help them even inasmuch as Railways would at least be able to eliminate it to the extent of 80 per cent or 80 per cent or 75 per cent or anything like that? If we are merely going to legislate for a small number of people, say about ten or fifteen per cent. I think that is most futile.

Now, Sir, the third argument on which probably I need not dwell much is the question of the Railways Act of 1890. Different interpretations have been given upon that, and these have been explained by my friend, Mr. Maitra, and we know what the different High Courts thought of same and

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to say that this legislation does not go beyond the Act of 1890 would probably be saying something like calling black a white or white black. I cannot understand what is the use of drafting this new legislation if it is covered by Railway Act of 1890. That law is there, you can do what you like. It gives you all possible powers that you may require, and you need not bring in further legislation at all. Then another point and an equally important point is this: Is there any difference between a passenger travelling without a ticket or without a permit or a pass on a railway and a passenger who does so on a steamer, a motor bus or on any other public transport or public carrier? Why should not legislation be put on the Statute-book of this country to help all the other organisations who are doing transport business also, viz., whether running a steamship company or running a motor bus service or running taxis? What arguments can you bring forward to say that as regards the passengers travelling without a ticket on railways their liability of a civil nature should be converted into a criminal liability and should be taken to be a cognizable offence, whereas travelling without a permit or a ticket by a steamer or any other public carrier would continue to be a civil offence? The whole purpose of this Bill is described to be to prevent the loss of revenue on the railway account. They say that the Government are losing, and the situation has reached a point where nothing can help except legislation of this nature.

Now, I want to ask, on the one hand, why was this allowed to stand over for fifty years since the railways have been introduced into this country? Has there been much ticketless travel in this country only since the last five or ten years or say even the last twenty years? Was there no ticketless travel on the railways when they mostly belonged to the Companies? You took no notice of the loss that the Railway Companies were losing between 1890 and 1920? You never thought that they should have been given some rescue? You never thought that that legislation was at all necessary, and for fifty years you continued it like that? You thought that legislation of that nature was not warranted in this country for fifty years? For fifty years you thought it would be going absolutely against the morale of this country and would degrade the people of India in the estimation of the world.

The Honourable Sir Andrew Olow: Sir, I am not sure to whom the Honourable Member has been referring in saying "you thought this for fifty years" and so on, but fifty years ago I was not thinking of this subject.

Mr. Muhammad Nauman: When I was saying that, I was meaning the British Government and you Sir as the representative of the British Government now.

The Honourable Sir Andrew Olow: I suggest, Sir, that the Honourable Member might address the Chair.

Mr. President (The Honourable Sir Abdul Rahim) The Honourable Member must address the Chair.

Mr. Muhammad Nauman: The Honourable Member in charge, fifty or forty or thirty years ago, of the Government for Railways did not think

it at all necessary to bring forward legislation of this nature, and I think there must have been many memorials by the Railways presented to the Government, and there must have been many protests made from the different Companies of the Railways and there must have been a lot of correspondence on that matter at that time but the Government of India at that time thought differently and said, 'no, we cannot go so far, we need not do it for Railway Companies'. But now the Government of India are prepared to bring forward such legislation. Now, Sir, the Government of India say that the Railways are a commercial concern, they are a national asset worth Rs 750 crores or so and we ask 'what do we get out of that?' Now, if there is any loss to the general exchequer, the country is asked to meet the loss, and we have to pay from the general taxpayers' money whatever losses the different Railways may make from time to time. If you cannot give a guarantee that the Railways will remain a commercial institution, that the Railways will not be allowed to ask the general exchequer to make good losses at any time, then what right have they to come forward and ask us for legislation of this nature, even if there is a loss we are a party to that loss and we are going to pay you money and the Government of India need not bother their heads about that? If there is a loss of five crores of rupees to the Railway exchequer, we as partners of the general exchequer are prepared to pay that money. Let hundreds and thousands of people travel without tickets what does that mean to you? Are the Government of India prepared to say that in no case at any time, whether lean time or bad time they will never come up to the general exchequer and say, 'we want some money from you to meet such and such a deficit in the budget which has gone wrong or such and such an affair in which we are placed in a difficulty?' If they can give a guarantee to that effect, then I can understand. According to us, there the taxpayer's position would only remain that of a travelling client or that the travelling public would be the clients of the Railway Company and nothing else, but you are cutting it both ways. On the one hand, you want legislation to be put on the Statute book which will condemn the whole country, the morale of the whole country, and on the other hand, you also want that whenever you are in trouble, whenever there is a deficit Railway Budget, you can merely come to the general exchequer and say, we want a crore of rupees or two crores or five crores or ten crores from the representatives of those taxpayers against whom you are now legislating.

I have not taken any brief for the ticketless travellers and I do not for a moment say that travelling without ticket is a virtue. I do not say that it is not a vice and that it should not be punished. I do not want to support a ticketless passenger in any possible manner, but I only want to request the Government through you, Sir that they ought to legislate in a manner which would not condemn this country and which would not lower the entire morale of this country in the eyes of others in this world. I would only request one thing. The principle of the English law has been that it is better that nine criminals should be let loose rather than one innocent man be wrongly punished. That principle of law, that principle of equity, that principle of jurisprudence has been flouted in this Bill. Can the Honourable Sir Andrew Clow give us a guarantee that a thing like that will not happen? Our fear is that the railway employees who are getting hardly Rs. 80 to Rs. 40 a month will turn into police constables in this country. We know what morale they have in this country. They are our own men and we know them well. You may

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have a different angle of vision and you may have a different pair of spectacles on your eyes and, therefore, you may not be able to see things in their true colours, but we Indians, who are the representatives of the public in this House, know what class of people you are employing and we know what sort of treatment they give to the passengers and what circumstances of hardship this law will create. We can very well foresee what is going to happen to the innocent and ignorant honest travellers after this weapon has been put in Railway hands. That is my argument. Does not the Honourable Member know himself that in many cases it has happened, at least in the case of side stations, that a particular station master, either because he is pressed for time or for some other reason, which I do not want to insinuate here, could not issue tickets to, say, five persons? Then, the timings of the trains are sometimes inconvenient, at most stations they stop only for three minutes. The guard may be so busy that he may not be approached by the travellers at all and even if he is so approached, he may not be able to note down their names or recognise their faces at the next station. Yet these innocent persons will be prosecuted under this Bill. They will be put to all sorts of hardships and will be labelled as thieves and fraudulent travellers.

Now, Sir, speaking on the principle of the Bill itself, I have said what I had to say. I certainly think that the Government will be well advised if they agree to recommit the Bill to a Select Committee in which some sort of unanimity might be reached between the representatives of the people and the Government. I can assure the Honourable Member that so far as the question of hating the ticketless travellers is concerned, we have got the same idea as the Government. We hate them and we think that it is a great vice and should be got rid of. At the same time, we do not want that you should legislate in a manner in which innocent people might be prosecuted as criminals. It is for that reason that I suggest that the Bill ought to be re-committed to the Select Committee.

Mr. President (The Honourable Sir Abdur Rahim) Does the Honourable Member wish to finish his speech now?

Mr. Muhammad Nauman: No, Sir, I will take a few minutes more.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member can continue his speech in the afternoon.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair.

Mr. Muhammad Nauman: Sir, I need not enter any more into the discussion of the legal philology which I think my other Honourable friends have done most elaborately. I have tried to point out also to some extent in the first part of my speech the difference between "evasion" and "defrauding". The only position to which we come is this that the

Honourable Member for Railways is anxious to realise money to which he holds a pious hope by this legislation. He is not conversant with the situation or the circumstances in the country, that are appertaining to ticketless travel. In reciting the number of ticketless travellers he did not explain to the House any of the circumstances and conditions of the people and the circumstances of the people who were found ticketless. The only thing that he gave to the House was that a number of people was detected without tickets. He did not get any report from the General Manager of the Railway or from other employees of the railway who were responsible for detecting these ticketless passengers as to the circumstances in which they were detected and the circumstances in which they were allowed to travel without ticket. There is no report available to the House as to why people who could afford to purchase tickets and who had no intention of defrauding the railways were found travelling without tickets. The only position I have been trying to indicate to the House was this. By trying to legislate like this and by trying to punish the so-called criminals, the Bill is trying to endanger the safety of hundreds of honest passengers who without any intention on their part to defraud the railways might be compelled by circumstances to be victims of the hardships proposed here.

The Honourable Member knows full well the calibre and the character of the railway employees who are already dissatisfied with administration and are humbly paid. They will be in charge of this act and will be deputed to check the passengers. Normally the ticket checker gets only Rs. 30 a month and you can very well imagine cases in which ticket checkers unnecessarily harass passengers. The other circumstance which has not been brought to the notice of the House is the question of fencing. The fencing facilities on the railways are not adequate. Moreover, recently even the fencing has been removed from many stations as they curiously thought they were not of much use. The point is whether all other circumstances are not contributing to the encouragement of people who are defrauding railways without tickets, or is it only this particular provision which can stop this evil if you allow those other circumstances to remain as they are and which will naturally induce people to travel without tickets in spite of this legislation. This legislation will entangle honest men into trouble which I am trying to point out to the House. The issue of tickets on the roadside stations as I have said earlier, is an extremely difficult affair in some cases. Normally the station master is in charge of every thing in some stations. Being a single man and being pressed for time or for some other reason, he is not in a position to issue tickets at all times and sometimes honest and respectable passengers have to enter compartments without tickets. I remember, Sir, even in a place like Patna Junction when I was travelling by 13 Up which reaches Patna at 12-28 A.M. at night, when my Secretary asked for a ticket at about 11-30 P.M. he was refused because the Booking Clerk said that the train would arrive only at 12-28 and that, therefore, he could not issue the ticket till twelve, midnight is passed. I do not question that particular reason because the date has got to be changed after 12 o'clock. But Honourable Members can very well realise that even in such cases where passengers reach the station early enough, there is a possibility of their not being able to get tickets before the train arrives because of pressure of work on the part of Booking Clerks, or for some other reason. Other Honourable Members have already pointed out that whenever they approach the Guard or the Ticket checkers, normally they are either rushed for want

[Mr. Muhammad Nauman:] of time or they are not in a mood to help the people and they allow people to go their own way without tickets and to take the consequences afterwards. In those circumstances, what is the security, what is the guarantee even for an honest man who may be in time at the railway station and may not be able to secure tickets? After this he will be a victim to all penalties. What is going to happen to him? I have known instances in many stations that honest passengers are compelled to travel without tickets owing to certain circumstances. I am afraid after this legislation, such instances might increase. That is one of the arguments which I want to advance to the House and I would ask the Honourable Member to reconsider his opinion in the light of these things which I am saying. I do not think he is not justified in trying to efface this evil of ticketless travel from this country. I am equally anxious that this vicious practice of ticketless travel should be put to an end. At the same time, I do not like that any legislation should be passed which would be derogatory to the country and would put this country to the position of having a legislation which no other country has. I am not prepared to accept the principle of cognisable offence for evasion, for a civil liability.

In the Select Committee, we have seen that out of four elected Members, two have appended a Note of Dissent. They have said very elaborately what they thought of the Bill and what should have been done before the Bill was placed before this House. In the circumstances, it means that 50 per cent of the elected Members were definitely of the view in the Select Committee that the Bill in principle was not right and some other method should be adopted by which this practice can be checked. I do not want to blame either Government or the Honourable Member, Sir Andrew Clow, for their anxiety to check the "Ticketless Travelling" but at the same time I do not want that such stringent laws should be made for this purpose. We should therefore, ask Government to send back the Bill to the Select Committee and arrive at a compromise which would be acceptable to every Party in this House and they will do something which will be good for the people of the country. None of us have any personal prejudice in the matter, we have to see what effect the Bill is going to produce and what repercussions it is going to have in other parts of the world as to the standard of morality here when legislation of this kind is thought necessary. Sir, I request the House to send it back to the Select Committee where agreement can be reached between Government and the elected section of the House, to which we would be able to give our sanction with a full sense of responsibility.

Dr. P. N. Banerjee (Calcutta Suburbs Non-Muhammadan Urban) Sir, when a Ticketless Travel Bill was placed before this Assembly a few years ago I did not take any part in the debate nor have I taken any part in the debate on the present Bill until now. The reason is that I had and still have the fullest sympathy with the main object of such measures, but I wanted to keep my mind open as regards the methods to be adopted in securing the object.

Sir, I regard ticketless travel as a bad thing and I would do my best to help those in authority to eradicate this evil. But I am sorry I am unable to see eye to eye with Government as regards the methods which they wish to adopt. What are the causes that give rise to travelling without tickets? In this connection you will have to draw a distinction between those persons who travel on railways without tickets with the

intention of defrauding the railways, and those who are found to be without tickets in some special circumstances. It is conceivable that in some special circumstances persons may not be able to produce any tickets or persons may be found to be travelling in compartments for which they have not paid adequately. These cases arise from various circumstances. It may be that there are large crowds gathered before a ticket window, and as the time for the departure of the train comes near some persons find it necessary to board the train without purchasing any tickets. It may also happen that some persons arrive at the station too late to enable them to purchase tickets and they board the train because they may find it very urgent to go to some place where their presence is needed. It may also happen that a person who has purchased a second class ticket finds no accommodation in any of the second class compartments and is obliged to travel in a first class compartment. In all these cases it may be made possible for such persons to pay the regular fares for the journey undertaken by them and no penalty should be imposed. I shall give you some instances from my experience in this regard.

I may say at the outset that I was an educationist for more than a third of a century and my vocation taught me to discourage anything which had an immoral aspect about it, and as a public man I would regard ticketless travel as a bad thing because it deprives the State of a portion of its legitimate revenue. Therefore, I am in favour of taking adequate and proper steps to stop this evil, but, at the same time, I must insist that the measures should not be such as would lead to harassment and oppression of innocent people.

I may now relate my personal experience. In 1916 I was returning from England, during the period of the war, and when I came to the Bombay station I was told by the Station Master and all the other authorities that no berth was available by the mail train and no tickets were to be sold. I told the Station Master that I wanted to go to the platform with my luggage and in case any passenger who had booked his berth failed to turn up I would take his place. The Station Master did not object to this proposal and I went to the platform and waited till the last moment. I found that all the berths were occupied—both first and second class, and as I was going about from compartment to compartment, one gentleman took pity on me and asked me what I wanted. I said "I have just returned from England after two years' stay and I want to avail myself of the earliest opportunity to reach Calcutta in order that I may see my friends and relatives." In this connection, I may say that that was a very dangerous time for travel. A few weeks before that several boats had been sunk by the enemy, and a person with a name somewhat similar to mine—one Mr Banaji, a Parsi—had been drowned, and my people were very anxious about my safety and I was also very anxious to see my friends and relatives again. At the last moment one gentleman told me that he was going only a short distance and would be vacating his berth in four or five hours and would gladly allow me to sit on his berth for that time so that, ultimately I might occupy it myself. I immediately ran to the guard as the train was about to start and he said "Yes, you can do that and you may purchase your ticket at Thana station." I did so. There was no difficulty. Now, was there any moral delinquency on my part at that moment?

I shall give another instance. On one occasion I was going to Calcutta from Hazaribagh, at Hazaribagh Road station at about 11 o'clock at

[Dr P N Banerjea]

night I found that all the second class berths were occupied,* but there were some vacant berths in the first class compartment. I told the guard I must avail myself of that train because there was a meeting of the syndicate of the Calcutta university fixed for the following day and that I would pay the first class fare. He said "You may do that, and when the train reaches the next station I will arrange for a first class ticket being given to you." So I entered that compartment. On another occasion, I was going to Calcutta from Puri, the second class booking clerk to whom I had given some currency notes told me he had no change the train was about to start and I said "I will get the change later, but give me a ticket." He hesitated, but when I spoke to him rather sharply he gave me a ticket. I gave him my visiting card and I said I will get my change somehow. I got the ticket and boarded the train. Soon after this the booking clerk came running—he had seen that I was a Member of the Legislative Assembly—and gave me the change. So the difficulty was overcome.

I say, therefore, that circumstances do arise when people are compelled to travel without tickets or in classes higher than those for which they have paid. Such people should be treated on a basis different from those who wish to defraud the railways. How can this be done? I think the Select Committee in this respect have made matters worse. If the subsections introduced by the Select Committee had been there it would have been impossible for me to travel on those occasions which I have just mentioned. The rule should be that if a *bona fide* passenger, who has no intention of defrauding the railway, informs the guard or the station master or the ticket collector that he would purchase a ticket later on, then no penalty should be imposed on him. As regards persons who intentionally travel without tickets, they ought to be dealt with in a different fashion. They must be punished and punished adequately. They must be punished in a manner that would deter other persons from following the same course. But while I suggest that punishment should be of a deterrent nature, I do not think the punishment should be too severe. The science of penology has made now considerable progress, and I believe Sir Andrew Clow knows that too severe punishment defeats its own object. A little more than a century ago, in England, the penalty for shop-lifting (or stealing from shops) was capital punishment or death penalty, and what was the result?

An Honourable Member: No.

Dr. P. N. Banerjea: An ignorant person should not say 'No'. Take it from me that that was the law in England a little more than a century ago. And what was the result? The result was that witnesses felt sympathy for the person; they did not want to give evidence against the criminal and the juries did not return a verdict of guilty and the judge also sympathised. So this punishment was withdrawn. I do not suggest that the present case is on a par with that, but I find that the penalties which are being prescribed are too severe. If the Government think that the present Act does not provide adequate penalties, let them increase the measure of the penalty, but let not the penalty be too severe. If the penalty is made too severe, what is likely to be the result? The result will be that witnesses will not perhaps agree to give evidence. It is also

possible that the magistrate himself will feel pity and acquit the criminal. Therefore, what I suggest is that the punishment should be adequate but not too severe.

Sir, there is one penalty provided in this Bill which, it appears to me, might give opportunities for the ill-treatment of passengers, and this penalty is of eviction. If this punishment is not inflicted in a very reasonable manner then it is likely to lead to a great deal of oppression and harassment. Sir, the bulk of the people of this country are illiterate,—thanks to the British Government which has ruled this country for nearly two hundred years. Ninety percent of our people are illiterate. I have seen on many occasions that ignorant people get into the second class compartment without knowing that they are not entitled to travel in those compartments. Just before the departure of the train, they get into a second class compartment because they do not find any seats in the third class compartments. I have very often sheltered these people—I frankly say so,—otherwise if I had not sheltered them, most of them would have lost their lives.

There is another difficulty, Sir. Now-a-days it is very difficult to distinguish between a second class and a third class compartment from the outside.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh Muhammadan Rural) Which Railway?

Dr. P. N. Banerjee: On the East Indian Railway and on most of the Railways the colour of the compartments is the same, and the illiterate people cannot read the figures I, II and III which are written outside. At times I myself find difficulty because the figure I or II is written on the top. The illiterate people cannot read these figures and you should be compassionate towards them if by mistake they get into a second class compartment when holding a third class ticket. Sir, it may happen that in trying to evict ignorant people from the compartments which they are occupying they may be placed in great difficulty. At an out-of-the-way station a person may be evicted from the railway train,—he does not know where to go, and this difficulty is increased manifold in the case of women and children. So I suggest that women and children should not be evicted from the railway carriages if they are not accompanied by their male relations or friends.

Sir Abdul Halim Ghuznavi: What are they to do? To let them remain?

Dr. P. N. Banerjee: When they reach their destination, charge them the regular fare. I don't say you should allow them to travel free all the way, but eviction of a woman in the course of a journey or of a child would be very wrong, it would impose a great deal of hardship on the woman or child.

Then, Sir, it is very often found that ladies when travelling with their male relatives do not carry their tickets with them. Their tickets are with their male relatives who are in a different compartment. If you evict the ladies because they do not carry their tickets with them, that would be a very wrong thing to do. If the provisions of this Bill are enforced in a manner which would not be reasonable in the circumstances, great hardship will arise. I, therefore, appeal to the Honourable Member

[Dr P N Banerjee]

in charge of the Bill to take a very reasonable view of the matter. I admit that he has on many occasions been a reasonable man, on many occasions his attitude has been reasonable,—not always. When the Motor Vehicles Bill, for instance, was being considered in the Legislative Assembly, I found that he took a reasonable attitude in many instances. Even now, I think his attitude is more reasonable than that of some of the other Members of the Treasury Benches. Comparisons are always invidious, and sometimes they may be odious, but I do frankly say that he is on the whole a reasonable man, and I hope that on this occasion he will not be guided by any passion or any sense of prestige in order to have the Bill passed in the form in which it has emerged from the Select Committee.

I am sorry to say that the Select Committee has not improved the Bill to any substantial extent. In one respect the Select Committee has made matters worse. However, there is enough time now in the Assembly to rectify these errors. Let the clauses of the Bill be carefully considered, and let all Members of the House, both on the Government side as well as on the Opposition side, apply their minds to the question of the objects and methods to be adopted in fighting the evil of ticketless travel. It is an evil, but we must use proper methods in order to fight it. You should do all you can, first of all to prevent those who travel without tickets, you should punish those adequately who defraud the railways, but you should not oppress or harass innocent people. If you accept these principles, I am sure there will be no difficulty in the members of the different parties uniting to help the Government so as to bring out a good and proper measure from the deliberations of this Assembly. With these observations, Sir, I support the motion.

Sir Abdul Halim Ghuznavi: Mr Deputy President, I am not a professor of legal history as my friend who just sat down is, but I do not know that shop-lifting, as my friend said, in England used to be penalised by death sentence but I do know that sheep-lifting was punished by death. Sir the motion that we have been considering the whole of this morning is as follows: "That the Bill be re-committed to 'the Select Committee'." There is an amendment to the motion for taking the Bill into consideration. We are considering both the motion and the amendment. Member after member has spoken on the amendment.

An Honourable Member: No.

Sir Abdul Halim Ghuznavi: My friend says 'No'. I have been listening since morning here to all the speeches, and every one who has spoken so far has done so on the amendment, except perhaps my friend who has just sat down.

Another Honourable Member: Pandit Maitra also.

Sir Abdul Halim Ghuznavi: He was not so clear as my other friend had been, but all the other Members said that the Bill be re-committed to the Select Committee.

I will take this amendment first, of re-committing to the Select Committee. I am opposed to it, I may say at once. My Honourable friend,

Dr. Banerjee, has already said that the Select Committee has made the Bill worse, and what earthly use would it be to re-commit that Bill again to the same Select Committee? The amendment is, "That the Bill be re-committed to the Select Committee" Not "a Select Committee" but 'the Select Committee' There was the composition of the Select Committee, my Honourable friend wants us now to send the Bill back to the same Select Committee What is that "the Select Committee"? Does the Honourable the Mover of the amendment think that the Honourable Sir Muhammad Ziauddin Khan will change his mind?

An Honourable Member: Why not? (Further Interruptions)

Sir Abdul Halim Ghuznavi: What is the idea of sending it back to that "Select Committee"? Does my Honourable friend expect that Sir Andrew Clow will go there and accept a different point of view to what he has already done?

Mr. Muhammad Azhar Ali: We consider Sir Andrew Clow to be more reasonable, and you not

Sir Abdul Halim Ghuznavi: As for Dr. Sir Ziauddin Ahmad, my Honourable friend over here has stated that he has made a bungle, and he will bungle again

Dr. P. N. Banerjee. I did not refer to Dr. Sir Ziauddin Ahmad

Sir Abdul Halim Ghuznavi: You referred to the Select Committee, of which he was a member

Mr. Muhammad Azhar Ali: I am prepared to include your name if you want, to bungle if you like

Sir Abdul Halim Ghuznavi: I would ask your name to be included The whole of this morning, for at least three hours, I have not heard one single sentence which is worth considering

Mr. Muhammad Azhar Ali: But you were sleeping

Sir Abdul Halim Ghuznavi: My Honourable friend behind was sleeping, snoring, not I I should like to ask my Honourable friend, Dr. Sir Ziauddin Ahmad, one question and he will kindly reply Are you or are you not in favour of the principle of this Bill?

Mr. Deputy President (Mr. Akhil Chandra Datta) Let the Honourable Member address the Chair

Sir Abdul Halim Ghuznavi: I want to ask my Honourable friend, Dr. Sir Ziauddin Ahmad, one question, and that is, is he or is he not in favour of the principle of this Bill?

Dr. Sir Ziauddin Ahmad: A person asked another person, "have you stopped beating your mother? Tell me in one word, yes or not" You are placing me in the same position now

Sir Abdul Halim Ghuznavi: My Honourable friend finds it difficult to answer. That ticketless travelling is an abuse, is wrong, is bad, is admitted by every Member of this House, except I think my Honourable friend Mr. Nauman.

Mr. Muhammad Nauman: Probably you did not hear me then.

Sir Abdul Halim Ghuznavi: May I take it now that you agree that it is wrong,—is bad?

Mr. Muhammad Nauman: I have always said that it is a vice after all.

Sir Abdul Halim Ghuznavi: It is a vice?

Mr. Muhammad Nauman: Certainly.

Sir Abdul Halim Ghuznavi: That it should be remedied?

Mr. Muhammad Nauman: Yes, I have said that too.

Sir Abdul Halim Ghuznavi: That is a vice to be remedied. The remedy is by this Bill.

Mr. Muhammad Nauman: That is not the remedy, that is the trouble.

Sir Abdul Halim Ghuznavi: I would welcome any suggestions for improving this Bill on the floor of this House. Let the Bill be taken up for consideration. Then fight on every point, on every clause, wherever you feel that it should not be there. But what is the idea of sending it back to the Select Committee and not taking it into consideration? Dr. Sir Ziauddin Ahmad has pointed out half a dozen items and he says that these should be considered first before taking the ticketless travel Bill. What is the idea of all this? The Bill, as it has emerged from the Select Committee, is now before the House. Let us put our heads together and put through this House a Bill which will check this evil and at the same time will not be harsh or may not be abused. I must say that my Honourable friend, Dr. Banerjee, sounded the right note. He said he was in favour of this Bill but he wanted certain changes. Every one of us want certain changes to make the Bill better. This is an evil and you have to take measures to remedy this evil. Mr. Muhammad Nauman asked, "Excepting in India is there any other country where you have a ticketless travel Bill?" In the British Empire in England or the Colonies, or the Dominions.

An Honourable Member: or the civilised world.

Sir Abdul Halim Ghuznavi: or the civilised world. I do not know whether he has travelled beyond India, but if he had done so he would have known that the system abroad is quite different from what it is here. It is not possible in other countries to travel without a ticket but it is possible here, and that is what I want the Government to remedy.

Mr. Muhammad Nauman: Why is it not possible in other countries? Will you tell me?

Sir Abdul Halim Ghuznavi: In other countries it is a corridor train, and there is one door, at which the guard stands and will not allow any man to go unless he can show a ticket.

Mr. Muhammad Nauman: I have seen people travelling without ticket in France and in Italy as well.

Sir Abdul Halim Ghuznavi: Have you been to France?

Mr. Muhammad Nauman: Yes, I have.

Mr. M. S. Aney: Ask him, how did he know that they travelled without tickets? That is a very important question.

Sir Abdul Halim Ghuznavi: Now, Sir, the position is this. Every station in those countries is fenced. If you fence the stations make it impossible for the passengers to come in—you have your ticket office outside and if you fence all your stations in such a way that they cannot go inside the station without buying a ticket.

Mr. Muhammad Nauman: In London you can say that.

Sir Abdul Halim Ghuznavi: The railways here should have done that long ago. Prevent people travelling without a ticket. Then there is another thing. The number of third class ticket-sellers is very limited. In a rush it is difficult to get a third class ticket. They should introduce the system which is available in England—that is the penny in the slot. At various stations they do not have a man to sell. The smaller sections have introduced that system as you have introduced the system of platform tickets here. That would relieve the rush.

Mr. Muhammad Azhar Ali: Why not suggest these things to the Honourable Member and have these things included?

Sir Abdul Halim Ghuznavi: What am I doing here?

Mr. Muhammad Azhar Ali: If they are not introduced you should go with us in the same lobby.

Sir Abdul Halim Ghuznavi: Why?

Mr. Muhammad Azhar Ali: Your advice will not be adhered to.

Sir Abdul Halim Ghuznavi: I can only advise them. If after hearing the Honourable Member I am not satisfied, I will certainly go with you. However, Sir, I have very carefully read the Note of Dissent. There are two signatures. They are Dr. Sir Ziauddin's draft. The language has convinced me on that point. Now, Sir, you can take advantage of every one of those dissenting minutes on the floor of this House. Make us understand, so that we can agree with you but don't throw it out by

[Sir Abdul Halim Ghuznavi]

sending it back to the Select Committee I am opposed to it I am for considering this Bill and improving it This is a measure which has been hanging on for the last six years

An Honourable Member: Oh

Sir Abdul Halim Ghuznavi: Somebody says 'Oh' The Central Advisory Council for Railways have been considering this It was considering it at last meeting and we were unanimous

Mr. Muhammad Nauman: We were not unanimous

Sir Abdul Halim Ghuznavi: Perhaps barring you Sir Andrew Clow will be able to say

An Honourable Member: Are you talking of Central or Provincial Advisory Councils?

Sir Abdul Halim Ghuznavi: I am talking of the Central Advisory Council

Qazi Muhammad Ahmad Kazmi (Meerut Division Muhammadan Rural) Sir, is the Honourable Member entitled to carry on a conversation with the Members

Sir Abdul Halim Ghuznavi: I am addressing the Chair They were unanimous, excepting my friend, Mr Nauman, and it was only then that Sir Andrew Clow thought of bringing in this Bill before this Honourable House I support the motion for consideration and oppose the recommittal of the Bill to the Select Committee

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, before I mention the three fundamental points on which we on this side differ from the gentleman who is piloting this Bill, I would like to tell a small story It took place in a famous place called Bhogaon with which some of our friends may be familiar, and I do not know whether my Honourable friend, Sir Andrew Clow, had ever been an S D O of this place I am not ashamed of saying that I once represented that particular constituency in the local council A person having some commonsense loses it while visiting Bhogaon Even the Public Works Department when they put up milestones put nine furlongs to a mile there! Now, there are a number of stories about this place, and I shall confine myself to only one There was a *qazi* residing in that place who was fairly well off He had jewellery and cash and it was his habit, like the people of Bhogaon, that he never kept valuables under lock and key, and the doors of his house were kept open day and night, so that anybody could enter at any time of the day or night and take away whatever wanted People came to know that there were valuable things in the house and that nothing was kept under lock and key and the doors of the house were always open Police came and took away some of the properties Later on, beggars began to steal and were shared by the police themselves As soon as the *qazi* found that people were taking advantage of this situation and taking away his property, he went to the magistrate and said "My property is being stolen You must promulgate an ordinance

or a law that if any one comes to my house and takes away the property, his hands should be cut off, if not murdered altogether." The magistrate said "Why on earth you do not keep your things under lock and key. This is the first step that you ought to take. If you keep your things under lock and key, then I will see that thieves do not enter your house and then probably the action which you suggest may not arise." There was a great quarrel between the *qazi* and the magistrate over this issue. The *qazi* said "You want to encourage theft in this place. What kind of magistrate are you? Tell me in one word whether you want to encourage theft or not." That is the quarrel that arose on this particular issue and the *qazi* was always threatening the magistrate that he was not carrying on his duty and he ought to pass stringent orders condemning this burglary and theft. The magistrate said "For goodness sake, before anything could be done, keep your doors shut and keep your property under lock and key. At the same time employ some reliable watchmen who will protect your house. Even thefts occur, even after you have taken these precautions then I will be very pleased to help you." This was the reply given by the magistrate.

I now come to the points at issue and I shall mention this that there are three fundamental points of difference between ourselves and the representatives on the other side. Now, the first point is that when this question was discussed by the Central Advisory Council for Railways in 1923 they gave clear instructions that you should keep your house in order. First, take all those precautionary measures which are necessary to make this travel without ticket impossible. Now, this was the point raised by my friend, Sir Abdul Halim Ghuznavi, and this is the point which I will now discuss and this is the point which I pressed on the Select Committee, that we should have the opportunity to discuss this question with the representatives of the Railways. I had my definite suggestions to make but this permission was refused and I think it is quite unfair on the part of the Railway Administration to refuse to consult upon this particular question with the Railways so that we might be able to suggest better methods by means of which they could have themselves ten times as much money as they are losing now, and now they come forward with this drastic punishment before this House. When we pressed them in 1923 to take precautionary measures against this, why did not they do so? What action was taken against that sort of thing? Now, the thing has gone from bad to worse but they never improved their system during the last twenty years so that they have not carried out the instructions given to them by the Central Advisory Council in 1923 and they have gone on with their idleness and laziness and now like the *Qazi* of Bhogaon they want to punish these thieves by cutting off their hands. We have been telling them, "Please keep your house in order, for goodness sake, keep your safes and boxes under lock and key, and when you find that even then you cannot stop burglary, then we will certainly help you and make every effort to stop the burglary, but we say it is unfair for the *Qazi* of Bhogaon to ask to have this legislative measure while at the same time they take no steps whatever to keep their house in order. Sir, this is the first point of difference between us. I may say in passing that my friend, Sir Muhammad Yamin Khan, is the representative of Bhogaon but he said I think he never visited it.

Sir Muhammad Yamin Khan: Yes, that is in my constituency

Dr. Sir Ziauddin Ahmad: Sir, the first point of difference between us is this, that we must that the house should be put in order, and we are quite prepared to assist in every possible manner, by advice and discussion, the Railway Administration so that their system may improve and I could suggest how the improvement could be made but since this thing was denied to us, I have no alternative but to discuss it at very great length—never mind, time is no consideration—since this thing was refused on the Select Committee I will have to say all that I could have said there—here, now on the floor of the House. The second point of difference between them and ourselves was this. Now, the first point was, “put your own house in order”. You have no right to bring forward a drastic measure like this when you do not keep all your boxes under lock and key and keep them open for inspection by everybody at night. The second point of difference is—as was pointed out by my friend, Mr. Nauman—this, that it is not a question of our supporting ticketless travel or not, in no country—I put this question on the floor of the House last time—is ticketless travel an offence calling for punishment. I was given some reply and the names of certain countries were mentioned, but those countries were like Tunburtoo and very small countries not worth mentioning, but I say that no civilized country has done this. May I ask my Honourable friend Sir Andrew Clow, himself to say whether this travelling without ticket is a cognizable offence so that a person could be sent to jail in England. If it is not, then—

Hum che har khud na pasandi ha diqran mapasand

Why are you pressing for others what you don't like for yourself?

If you have not legislated in your own country, which is a highly civilized country for this particular crime why are you trying to thrust this thing upon us now? They have adopted precautionary methods by means of which such ticketless travel could be avoided why not follow the same methods in this country and why like the *Qazi* of Bhogaon insist that you would not adopt all these methods but would really introduce a novel method.

The Honourable Diwan Bahadur Sir A Ramaswami Mudaliar (Member for Commerce and Labour) What is that method?

Dr. Sir Ziauddin Ahmad: Sir, since this is not a cognizable offence in any civilized country, why are you creating a special offence in this country and then, afterwards put the blame on the standard of morality of Indians and say that that standard is not very high? You keep all these valuable open to everybody without lock and key and if they are stolen, you say our morality is not high. Why are you going to test morality in this particular manner when it has not been tested in any other country?

Sir, the third point of difference between ourselves and them is that they have not taken sufficient precautions to see that the provisions of this Bill will not be abused. We, on this side, have very serious misgivings on this particular point and we want really to see that sufficient precautions ought to be taken so that this thing may not be misused. Now, we know very well what these railway magistrates are. At least we, on this side, know that they are being bribed by being given passes. There is absolutely no justification for this and in order to get passes and in order to travel first class they are in effect bribed. Even honorary magistrates get such passes. So that what I want is that we ought to take precautionary

measures before we can agree to any drastic measure such as that now suggested in the Bill. These are the three points of fundamental difference between us and the people who are piloting this Bill. Now I take the first question which I wish I could have discussed elsewhere and thus saved the time of the Assembly, but since we were denied the opportunity by the definite voting of the Honourable Member himself, and this was a particular privilege, and so much so that even through his influence one Member changed his mind but however I am not going to refer to what happened in the Select Committee.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: But such influencing is legitimate.

Dr. Sir Ziauddin Ahmad: Well, nobody calls it "illegitimate." I think here we are not discussing whether any person is legitimate or illegitimate. Some point were raised by my friend Sir Abdul Halim Ghaznavi, when he said that it is impossible in Europe to travel without ticket and I ask if it can be made impossible in Europe then why not in this country? No precautionary measures are adopted here in spite of the fact that these were suggested so many times.

Now, Sir, I shall take the precautionary measures one by one. The first question as everybody knows is this that the best check is the provision of corridor trains. I think this is an important point. We know this thing was suggested by Mr. Robertson as early as 1901 and he pointed out about forty years ago to the Railway Administration that your breadth of the carriages is too short for the gauge—your gauge is 5' 6" and for this you want the breadth of 12 ft. 3 inches carriages while at present our carriages have got an allowance of 22½ per cent. They could have been increased by 2 ft. and 9 inches and afforded greater efficiency. We could have kept the present gauge as it is and we could have kept the same machinery but we could have put a body which was 2 feet and 9 inches wider than it is at present. Now, this fact was pointed out to the Railway Administration by Mr. Robertson in 1901 and it involved no additional expense whatsoever. Your breadth will be the same, your axle will be the same, only the upper part will have to be altered and the breadth could be increased by 2 feet and 9 inches. If this thing could be done without any prohibitive expense, then why not increase the width of the carriages by 2 feet and 9 inches and provide the corridor in this width. In this way the accommodation will not diminish and this corridor will have the additional advantage that whenever there is a rush of passengers on the occasion of *Melas*, then you can take a large number of passengers. I see no reason why the Government should not have accepted this advice which was given to them 40 years ago and which could have been acted upon. I should like to know why 40 years have been allowed to pass especially when they had years of boom and when they had plenty of money. But they never took this advice into their consideration with the result that we have got no corridor carriages except a few carriages which run between Bombay and Poona. There is no question of ticketless travellers there. So, the first thing for which the *Qazi* of Bhogaon is responsible is that we have not got the corridor trains in spite of the fact that this thing was pointed out in 1901 and it was pressed in 1923 by the Central Advisory Council for Railways. Now, I think, it is time that they ought to provide the corridor trains. This should

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be done at least on Branch lines to begin with, because there is the maximum amount of ticketless travelling there. I would have very much liked to discuss with the representatives of the Railways the practical difficulties in this matter. Why should they not have these corridor trams, at least in the new carriages. They have got a big budget for the carriages this year. And they can easily get corridors in the carriages which go to the workshops for repairs. And it is not also very expensive. It may not materially alter ticketless travelling but it will be a great help in checking tickets. The Railway Administrations say that there are practical difficulties in having corridors but I would like to discuss those difficulties with them so that we may sympathise with them. But why is this privilege of discussion denied to us? Why does the Honourable Member refuse us the privilege of this discussion with the Railway Administration? That is the attitude of the *Qazi* of Bhogaon and I do not understand it. We should have an opportunity of discussion on this matter. Whether we pass this Bill or not and whether we provide any punishment or not, the problem of having corridor trams stands by itself and it is quite independent of this Bill. Even if punishment is provided, it will be of no avail because ticketless travelling would be avoided altogether.

Kunwar Hajeer Ismael Ali Khan (Nominated Non-Official) How can the corridor system stop ticketless travel?

Dr. Sir Ziauddin Ahmad: If there are corridor trams, you will find that after every stoppage there will be a ticket collector or a guard or somebody else to examine the tickets of all the passengers.

Mr. M. S. Aney Ticketless passengers have been detected and that is the reason why they say there were ticketless passengers.

Dr. Sir Ziauddin Ahmad Fifty per cent detection is quite different from cent per cent detection.

Now, the second suggestion that I have always made is this that your system of checking the tickets should improve. In the old days there was a very good system on the Company-managed Railways and in those days, probably, we did not hear much about the ticketless travel. They had a very good staff at Junction stations where all the tickets used to be examined. Later on, they had a very responsible man whose salary was from Rs. 200 to Rs. 450 and who was a man belonging to a good family and who had good education. He was not under the Traffic but served under the Accounts. He was the travelling ticket examiner and he was under the obligation of nobody. He was absolutely independent and could not be touched by anybody except the Chief Accounts Officer. He used to check the tickets of everybody. The mere fact that he was there stopped a good deal of ticketless travel. By this system the travelling without ticket was to a very great extent minimised. I do not say that it was stopped altogether because, later on, I will come to this point when I divide the different classes of people who travel without tickets. Later on, some of the railway officers got a novel idea and introduced what is called the crew system. Now, this system was very enthusiastically tried on the North Western Railway but it failed. The same officer who is

responsible for so many mistakes in the Railway administration, whose name I will not mention, is also responsible for the extravagant expenditure on this crew system which runs to crores of rupees. He suggested that this system should be tried again on different lines. It was tried in Calcutta and there too it hopelessly failed. What actually happened there was that this army of ticket collectors took the whole of a *Barat* without tickets from one station to another and they divided the money amongst themselves. Then, they appointed a Committee consisting of Moody and Ward and they wrote out a report. The way in which this report was carried out by the railway people is a thing which can only happen on Indian railways. It cannot happen in any other Department of the Government of India nor could it happen anywhere in the world. They suggested a new system and all those persons who were engaged on ticket collecting and so on were to be dismissed. Since it was a new system, everyone was to be appointed afresh and they were appointed on the grades of Rs. 30, Rs. 40 and so on with the result that persons who were drawing Rs. 300 and upwards were reduced to this small pay. I fought with Government on that problem for seven years. Afterwards they modified some of their orders but the trouble is still there. The travelling ticket collectors were specified as stationary officers, as persons who were not travelling. The result was that they were not given any travelling allowance and were given a consolidated allowance of Rs. 15 or Rs. 20 a month. They have got their grievances and so long as your servants are not satisfied, naturally you cannot expect from them good and efficient work. Then, there came a change in the salaries. Now, those people who joined in 1926 expected that they will be put in the old scales of pay, instead of that they are now being put in the new scales of pay which begins from 1931 and onwards. They were all given the new grade. There is a standing dis-satisfaction among this class of people who are supposed to administer this particular law and unless you make this class a contented and satisfied lot and unless you make this class self-respecting and honoured, jealous for the reputation of the railway administration, it is impossible to put this law into their hands and expect a better state of affairs. You cannot expect a dis-satisfied lot of people to run an administration efficiently.

The next point that I wish to suggest is that you should thoroughly revise your system of checking. Unless a proper procedure is devised, no kind of punishment will alter the present evil. If a ticket checker gets eight annas when the punishment for ticketless travel is only a fine, then if you increase the punishment to imprisonment, then the ticket checker will raise his demand to twelve annas. Formerly he was satisfied with eight annas and now with the new Bill in force he will increase his demand. In this way you are only increasing corruption. In this connection I should also like to point out another evil which is prevalent. The Administrative officers of the Railways also know this. Supposing a person buys a return ticket at Calcutta to Delhi and back. He comes to Delhi and then returns to Calcutta and hands over the return half of the ticket at Calcutta. These return halves are collected together at Calcutta and before the time expires for using these tickets again, they are sent to Delhi and through some private agencies, these tickets are resold and some other persons travel again on those tickets. In this way the Railway Administration loses a lot of revenue. The Department knows this practice very well and yet they would not take any steps to remedy this evil. I discussed this question with one of the General Managers in

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Calcutta and I suggested to him that the best way to save the railways from loss is to adopt a different system of return tickets. Instead of return tickets, let the gentleman be given return coupons which he can exchange for tickets at the booking office when he proceeds to travel. In this way the return half cannot be used again several times. The time limit for these return coupons which have to be exchanged for tickets will be the same.

Mr N. M. Joshi. But what about the inconvenience and trouble to passengers?

Dr. Sir Ziauddin Ahmad. One of the General Managers told me that by having this system the railway administration will gain at least Rs. 4,000 a day. I think this is a better way of increasing the income of Railways which all of us want to have. What is the use of sending people to jail which I know will never work and which I will discuss later on.

The next point I wish to refer is this. Since the time they put the ticket checking staff under the operation section and took it away from the Accounts, it has become exceedingly difficult for the ticket collectors to check tickets of Railway servants who travel without tickets.

The ticket collectors are sure that if they report against their brother railway servants, they will be discharged and on that ground cases of railway servants who travel without tickets are not brought to light. I should like to discuss this point also with the Railway Administration to see whether this is not a fact. It is not easy for me to refer to every point in the course of the discussion on the floor of the House, but I should like to talk across the table and discuss this particular question. I know of an instance where a high railway official was travelling with his family in a saloon and somebody wired from one station to the ticket checker at the next station saying that such and such a railway official is travelling in his saloon with his family and that he should be checked. At the next station when the Ticket collector went to the saloon and showed this telegram to the Railway official, he took over the telegram and wrote on it "I have personally examined the saloon, there is no person without a ticket" and signed his name. This is what took place. How can you expect the poor ticket collector to do his duty. If he is courageous enough to report against his superior officer, he does so at the risk of being removed from service. Therefore if you really want that ticketless travelling should be put an end to, high railway officials should set the example themselves so that others might follow.

In my opinion the following steps should be taken to make the railway servants more efficient and honest. Whatever rules you might make, the poorly paid railway servants have got to go to the markets at way side stations for purchasing their household needs and they will surely travel without tickets. Some of these people must necessarily travel. I, therefore, suggest that the Railway Board should restore to these poorly paid railway servants the prices and conditions which existed in 1933. This will make their lives easier and contented. That is a reasonable step.

forward. I put this particular question to a railway official who was here for a short time and he agreed with me, but when I put the question on the floor of the House and requested him to restore passes to 1933 condition, then something happened behind the scenes and later on he said "I am sorry I cannot agree on this particular question." If you really want that the railway people should not travel without tickets, you must give them all facilities. There facilities everybody appreciates. You must give all reasonable facilities which the company administrations have devised and which have been in practice for a considerable time and which continued till 1933. If you restore the conditions of passes to 1933 level, the railway servants will be satisfied and they will have no ground for travelling without tickets.

Mr. M. S. Aney: How do you improve the Bill by these suggestions? Let us know the amendments which you want to make to this Bill by which you can bring about the results you want. To my mind the whole question that is being discussed is entirely not germane to the Bill which is before the House.

Dr. Sir Ziauddin Ahmad: If I understand the Bill aright, it is really to stop ticketless travelling. This is the gist of the whole Bill.

Mr. M. S. Aney: Then oppose the Bill on that ground. Your suggestions have got nothing to do with the Bill.

Dr. Sir Ziauddin Ahmad: I oppose everything. I am referring to one class of ticketless travellers and I am giving suggestions as to how you can remove this practice of ticketless travelling amongst this class of people. The best remedy to stop this evil of ticketless travelling among the railway servants is to give them all facilities for travel by restoring the passes which were taken away from them in 1933. The other way in which you can check this evil of ticketless travel is to have as ticket examiners persons on high salaries and who will be above temptation. They should not work under the Transport Department, but they should be put under the Accounts Department. I have got a good deal of experience of accounts and I know that nobody can challenge the integrity and independence of the Accounts Department. That is a great point in favour of the Accounts Department. The Accounts people might be sometimes extravagant and sometimes they may be very obstructive, but at the same time nobody can deny that they are persons whose integrity cannot be questioned. This is a point in their favour and it is for this reason that I want the ticket checkers to be put under the control of the Accounts Department. Even now in some of the Company-managed railways, the ticket checkers are under the Accounts Department.

There is an additional difficulty now. They have left this system of checking to each division and every officer who comes as
 4 P.M. Superintendent of Traffic devises his own method of checking. So every six months the system changes, their headquarters are transferred from one station to another and the whole thing is made topsy-turvy. These constant changes and experiments should cease, and if you want to stop ticketless travelling you must meet these two suggestions, namely,

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restore the passes that existed in 1933, and introduce a better system of checking tickets. You should have the tickets thoroughly examined by the station staff at every junction station and one man from the accounts side on a good salary should travel in the train and check the tickets. We know it is a common practice to travel without tickets from Lahore to Delhi. A man enters a second class compartment at a small station and then comes to Delhi and gets out. This kind of thing can only be detected by your own railway staff if they are in a position to do their duty with satisfaction and cheerfulness, and a dissatisfied staff will never do their work properly.

The next point is about the system. As my Honourable friend, Sir Abdul Halim Ghurnavi, knows, in Europe and other countries it is not possible for anyone to enter or leave a railway station without producing a ticket. Here the stations are so constructed that it is only the kindness of the passengers that makes them hand over their tickets. Otherwise the whole place is open any you can get down at any point you like. The stations were not constructed with an eye to the checking of tickets. The next difficulty is about the purchase of tickets. I said in this connection that at a number of stations there is one man at night to do the whole work. At night it so happens that for a time he sleeps and as soon as the train is about to leave the last station he gets up and gives the signal and sells tickets at the counter, and as soon as the train reaches the distant signal he stops selling tickets and goes to the gate to receive tickets from the passengers who get down. So this one man acts as signaller, ticket-seller, ticket-receiver, and everything else. Even at such a big station as Balharshah there is only one man at night who does all these things and everything else. So if you want that everybody should purchase a ticket you must provide the necessary facilities. Otherwise a man must travel when he has urgent work to do and he will take all risks and get into a train if he cannot purchase a ticket. So all facilities for the purchase of tickets must be provided so that ticketless travel may be minimised. So you must have corridor trains, better system of checking and purchase of tickets, and you will have less people travelling without tickets. The number will not be reduced by the penal clauses you have in mind but only by these methods. I may say that we are not in favour of encouraging ticketless travelling but at the same time we are of the view that punishment alone will not stop this thing altogether.

Next, I come to the class of people who travel without tickets and I should like to know what class the Honourable Member wants to rope in by means of this Bill. First, you have got beggars, *sadhus*, mendicants, and so on. I may inform the Honourable Member that there are regular beggars who travel from small stations to bigger stations for the collection of alms and a percentage is given to the ticket examiners to enable them to travel without tickets. If your own staff are like that you should first of all make them responsible men so that they may not do this kind of thing. I was told by some very responsible persons about this percentage of gains being given by these beggars to the train examiners for being allowed to travel without tickets. There is another class of beggars and *sadhus* who have no money and no home and go to visit some shrines or some disciples. If you stop them at some station they will simply take the next train, and if they are not allowed to do that they will walk five or six miles to

the next station and there take another train. If you send them to jail they will be all the happier because they will get good food and lodgings. I was told by a friend who has come back from Africa that when the Libyans were arrested and brought to Egypt and given proper meals they were very happy because they did not get food in Libya itself. In the same way if you put these mendicants and *sadhus* in jail they will be happy and thankful. I do not see any solution of this difficulty and railway people are afraid to catch hold of these people for fear of their curses. So whatever you may do these people will always travel without tickets.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

That is one class and I do not think my Honourable friend wishes to rope in these people. Punishment of jail to these people is a pleasant thing and it will not by any means have a deterrent effect on them, and their number is put at about one and a half millions.

Another class is the railway servants. They think it is their railway and they are the masters and that it is exceedingly harsh to have to purchase a ticket. This measure will not deter them, and if any of them are sent to jail, they will have very great sympathy for them, and unless you improve the conditions of service on the lines I have suggested and unless you have a better system of checking tickets and unless you restore the passes of 1933, this class of people cannot be roped in by this measure.

I have mentioned the classes of people who cannot be roped in by this measure. What other classes have you in mind? There is a third class, I was told by one of the railway officials. These are the subordinate servants of tea planters and sugar mills and so on. They travel without tickets in upper classes and they draw better salaries than these ticket collectors. If a ticket collector drawing 20 or 25 rupees approaches these men and asks for their tickets they become very menacing and say "*Chale Jao*" or "*Hat Jao*" and if by any chance the ticket collector reports them to the higher authorities, then their own officers have great influence than these ticket collectors, and the ticket collector will probably be discharged or dismissed, and so they take jolly good care not to report against such persons.

The only others who travel without tickets are the honest men whom Professor Banerjee has described, who are not able to purchase tickets in time and so on. We can rope in only these people whenever we like because they pay any amount as penalty, because to them a fine of 100 rupees is better than imprisonment even for a day and it makes no difference to them whether they are sentenced to one day or one week or two months or one year—they would prefer to pay. A good many of this class do not travel without tickets with any dishonest intention, some of them may do it for want of money; and, of course, you can frighten this class of people.

As I say, a large number of people will walk off free, and I foresee a great danger. If you begin seriously to apply this Bill, some enthusiastic railway magistrate may take it upon himself to send to prison some responsible persons, especially if he has a personal grouse against any particular class of people, and give them differential punishment—imprisonment for

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some and fine in other cases—and then there will be a good deal of agitation. It is quite possible that some Congress people may be sent to jail and others merely fined and, as a result there will be more agitation, and during war time it is not desirable to have an agitation on such a trifling matter. The Railway Member will not be here but the Home Member will have to deal with the situation created by the action of a class of magistrates who have to carry out the provisions of this Bill. I foresee a great danger. There may be propaganda saying “Do not travel by railways as there is danger of imprisonment” and so on, and at once under the Defence of India Rules such people will be prosecuted. This is a commercial department and you will have to invoke a Defence of India Rule to deal with a man carrying on propaganda of this sort.

Therefore, I say, that the matter is not urgent. It has been before us for a considerable time. This was before us in 1936. One very great mistake which I made at that time was in not agreeing with Mr. Satyamurti who wanted to reject the Bill altogether but I insisted that it should be circulated. It was circulated and opinions were received and they were not in favour of this particular Bill and, suddenly, the thing was dropped and I thought the whole thing was over. But, suddenly, I find that the Honourable the Railway Member in a speech before the Railway Conference announces that the Bill is ready and I was surprised, knowing that there was so much opposition before. But he knows that there is no opposition now and he can bring in any measure he likes, and have his own way. He did not give us an opportunity to discuss with the railway authorities the points which I have outlined in the earlier portion of my speech.

An Honourable Member: Are you finishing?

Another Honourable Member: Why are you in a hurry?

Dr. Sir Ziauddin Ahmad: With regard to clause 5 whereby you can remove a person from a carriage for travelling without a ticket. I wish the Honourable Member visualises what will happen to such a person if he is ejected at a small station. Will he be allowed to walk out and walk to the next station and take the train there? Or will he be detained there in custody? There is no question of payment, because if he can pay he will not be ejected. But what will happen if he is ejected at a small station? Will he be sent to some magistrate or handed over to a police officer? There are no magistrates or police officers at these small stations. It has, therefore, been suggested that this ejection should take place only at junction stations or places where there are responsible railway servants. My friend agreed in the case of women and children unaccompanied by males, only at night time. But the thing applies to everybody. Anybody who supports this Bill must tell me on the floor of the House what will happen to such people. Will their property be confiscated and will they be put under the custody of some person? Who will be that person? On this point the Bill is silent. It might be that for want of accommodation a person has changed into a higher class, he might be stopped from travelling, though he had a ticket for a longer journey in a lower class. We must, therefore, see these things very clearly. Probably some of these persons not having any money on their own persons may have rich relatives waiting at the other end of the journey to receive them; and if they are ejected,

what will happen to them? Nobody has ever thought of these things, but we hope before we agree that the Honourable Member in his reply will clearly tell us what will happen to these men under clause 5. Will they be allowed to walk out or remain in the custody of the station master? If so, will they be sent to a place where there is a police station and at whose expense? If they are to be sent at the expense of the railways, why not eject them at that place and why at a small station? This is a point on which they are absolutely silent, because nowhere do they say a word as to what would happen to such people who are evicted at certain out of the way small stations. We assure the Government from this side of the House that we have very great sympathy for the measure which is now before the House, we want to see that ticketless travelling is avoided. My friend, Sir Abdul Halim Ghuznavi, is not there. He put me this question several times, and I assure him that we entirely sympathise with the motives which have actuated the Government to bring forward this measure, but we maintain that effective measures can be adopted only by first putting your own house in order, and the increase in punishment which you are suggesting in this particular Bill will not serve your object, it will defeat the very purpose for which this Bill has been framed.

Sir, I do not wish to go into the details of these clauses. I shall do so when the clauses are taken up for consideration, but one thing is perfectly certain, and that is, like the *Qua* of Mampur, you should first put your own house in order before you attempt to increase the punishment. Punishment of imprisonment will not stop ticketless travel, it will only tend to increase corruption.

Then, the second point of difference is this. If such legislation is not in force in England, why should it be enforced on us here. As I said

“What you don't like for yourself, don't recommend to others.”

If you do not like this enactment for England, why do you thrust it down the throats of India? First induce your own Home Government to have such a measure, and then introduce it here. In that case we will accept it here without any division, but before you introduce it in your own country, do not enforce it here and put a sort of blackmail on the people of this country by showing that Indians are a class of people who need legislation of this character. People outside will not understand that there is a small class of people who resort to ticketless travel, but if you enforce this law, there will be a sort of stigma attached to the people of this country which is really not justified by facts.

Then with regard to the third measure, I want to see that this provision is not misused, and that there is no corruption, so that people who could afford to pay, get out, while those who cannot afford to pay are roped in. Such kind of thing ought to be avoided, and I see no provision in the Bill by which you could avoid corruption. Then we suggested that there should be some qualifications as regards the Magistrates who will be sending this class of people to jail. I would only like that stipendiary or Honorary Magistrates of the first class should have this power. I do not think that second class Magistrates are fit enough for this purpose, because you should have first class people to administer this law.

Then, Sir, the prosecution will be undertaken on the report of a single man, whose salary is small, and without any question the poor man who is hauled up will be sent to jail. It is wrong that without a judicial inquiry merely on the report of a single low paid person, without any

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evidence, a person should be sent to jail. At small stations there are only three officers available, the ticket collector, the Assistant Station Master and the Guard. The Guard is very busy, so that he will not be available. Obviously the people who will have to undertake this inquiry will be the ticket examiner and the Assistant Station Master, and their salaries invariably are very small, and such people would not mind in small matters to resort to corruption. It is, therefore, very desirable that you should first improve the administration before you enforce the provisions of this law, before you give enhanced powers to these people to administer this law. This is really one important difference of opinion between the Honourable Members on this side and those on the other side.

Some Honourable Members: Sir, the question may be put

Mr. President (The Honourable Sir, Abdur Rahim) The question

"That the question be now put"

The Assembly divided

AYES—43

Abdul Hamid, Khan Bahadur Sir
Abdul Hamid, Khan Sahib Shakh
Ahmad Nawaz Khan, Major Nawab
Sir

Bewoor, Sir Gurunath
Bhagchand Soni, Rai Bahadur Seth
Boyle, Mr J D
Buss, Mr L C
Caico, Mr O K
Chapman Mortimer, Mr T
Chettiar, Di Rajah Sir S R M
Annamalai

Crow, The Honourable Sir Andrew
Daga, Seth Sunderlal
Dalal, Dr R D
Dalpat Singh, Sardar Bahadur Cap-
tain

Dumasia, Mr N M
Eamptson, Mr H J
Ghuznavi, Sir Abdul Hakim
Guthrie, Mr P J
Gwillt, Mr E L C
Ikramullah, Mr Muhammad
Imam, Mr Sayid Haider
Ismael Ali Khan, Kunwar Hajee

Abdul Ghan, Maulvi Muhammad
Aney, Mr M S
Azhar Ali, Mr Muhammad
Banerjee, Dr P N
Chattopadhyaya, Mr Amatendra
Nath
Datta, Mr Akil Chandra
Deshmukh, Mr Govind V
Essak Sait, Mr H A Sathar H
Ghousuddin, Mr M
Gulam Bhik Nurang, Syed
Habib Rahman, Dr
Lalchand Navahar, Mr

The motion was adopted

Kamuluddin Ahmed, Shams ul Ulama
Khusalpal Singh, Raja Bahadur
Lawson, Mr C P
Maxwell, The Honourable Sir Regi-
nald

Mazharul Islam, Maulvi
Miller, Mr C C
Muazzam Sahib Bahadur, Mr
Muhammad
Mudhar, The Honourable Diwan
Bahadur Sir A Ramaswami
Mukherji, Mr Basanta Kumar
Pillay, Mr T S S
Rahman, Lieut Colonel M A
Rizman, The Honourable Sir
Jeremy

Raper, Mr J H F
Ria Sir Razviendra
Scott, Mr J Ramsay
Shahin, Khan Bahadur Mian
Ghulam Kadir Muhammad
Singh, Rao Sahib N
Spence, Sir George
Stur, Mr B M
Thomas, Mr J H
Tyson, Mr J D

Maria, Pandit Lakshmi Kanta
Mehr Shah, Nawab Sahibzada Sir
Sayad Muhammad

Muhammad Ahmad Kazmi, Qazi
Murtaza Sahib Bahadur, Maulvi
Syed

Nauman, Mr Muhammad
Parna Nand Bhai
Rafiquddin Ahmad Siddique, Shaikh
Umar Ali Shah, Mr
Yamin Khan Sir Muhammad
Zafar Ali Khan, Maulana
Ziauddin Ahmad, Dr Sir

The Honourable Sir Andrew Clow: Sir, we have had a very long debate and if some Honourable Members have been excluded from raising new points, I have no doubt that they will find some opportunities later. I do not propose to reply in detail to all the points raised because a good many Honourable Members were dealing with amendments which apparently they contemplated moving, amendments which relate to clauses which we are going to consider, and opportunities will arise for discussing these points then.

Let me say that I agree entirely with my Honourable friend, Mr Maitra, when he said that legislation alone will not achieve the object in view. I have never been under any such delusion, nor do I claim that the administration is not capable of improvement in several directions. But I do not think that is a reason for failing to remedy the defects in the law. He seemed to think that any passenger who had been found out by a railway servant and who said, "I have not got a ticket, please allow me to travel in the train," should get permission to travel. If that was the law, we should soon find that ticket collectors were entirely unnecessary, because people would not apply to the ticket collectors at all. The ticket collectors are, in fact, the very people whom we expect to grant permission in the form of a ticket to travel in the train, and the other provisions, such as the proviso added to section 4, are intended to be exceptional and not for the normal case.

Then my Honourable friend referred to the percentage of ticketless travellers whom we had detected. He has pointed out that it was a very small percentage, but I was not very clear what deduction he drew from that. Apparently, the deduction was that we need not punish those whom we detect. The percentage of murders or at least detected murders is very much smaller but I have not heard that used as an argument for failing to punish fairly severely those whom we do catch having committed that crime.

Then my Honourable friend, Mr Azhar Ali, moved his amendment and referred to some sort of Damocles' sword which was hanging over every Member of this House. He said, "I may be rich today. Tomorrow I may be poor" by which I understood him to mean, "Today I am in a position to purchase a ticket, but tomorrow I may not be in that position and ought to travel free." Railways are not charitable organisations, although they exercise, I am afraid, as some Honourable Members have pointed out, a good deal of charity to beggars. I should like to see that element of charity diminish and I hope that this Bill will have some effect in that direction. Then he asked me to state why I wanted to make a civil liability into a criminal liability. The answer is that I do not, because it has been done already. The Act as it stands makes travel with intent to defraud an offence. I am only proposing that the punishment should be made more severe. I am not converting any civil liability into a criminal liability.

My Honourable friend, Mr Lalchand Navalrai, was a little confused, I think, between the two provisions regarding travellers under section 113, and he said, "If you are going to let him off with a penalty when he gets a certificate of permission, why differentiate in the other case? What is the difference?" The difference in the other case is that he has already incurred the penalty, that he is not merely starting on his journey, he has travelled, and at a later stage, reported to a railway servant that he has been travelling without a ticket. I think if he will

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reflect on the matter he will see that if we had had no penalty in such cases we should soon be in a completely impossible position, because anyone who is not a man of the strictest probity will only have to sit in the train for some time and then wait before he is detected and then rush up to the railway servant and say, 'I have been travelling now I am perfectly willing to pay my fare', whereas if he is not going to be detected, he may go on as long as he likes

Pandit Lakshmi Kanta Maitra: What is the harm if the fare is realised then and there? Are you going to harass him even if he pays the legitimate fare?

The Honourable Sir Andrew Clow: We are not harassing, we are going to ask for the penalty because

Pandit Lakshmi Kanta Maitra: May I interrupt the Honourable Member for a minute? Supposing a man boards a train and he does not find any railway employee, and before he reaches the next station, he goes to the officer empowered to grant him the certificate, and says that he could not meet him at the last station when he boarded the train and that he has been travelling from the last station, what is the justification in that case for levying an excess fare if he has paid him the legitimate fare?

The Honourable Sir Andrew Clow: The penalty no doubt will be very small. We are not introducing a new penalty. It has been there ever since the Railways Act existed. I may have an opportunity to explain it later, but would say now that if there were no such penalty, we would be putting a serious temptation in the way of enormous numbers of men who otherwise would not fall into any such temptation at all.

But I think it was the arguments of Mr Nauman that I found it most difficult to understand. In a flow of rhetoric before lunch,—I noticed he was distinctly quieter after lunch—he said, as I understood his argument, as follows: 'The railways fall back on the general taxpayer whenever they lose and we have to foot the bill and the railways would not foot it, and why should they care either whether people travel without tickets?' It is a most astonishing argument from an Honourable Member of this House, when the railways are trying to diminish their losses and to prove a better bargain from the point of view of the general taxpayer and to relieve him from losses which they feel neither he nor they should sustain, surely that is an attitude which should commend itself to those who like my Honourable friend, Mr Nauman, are solicitous for the taxpayer. He went on to say that I was in some mysterious manner condemning and maligning this country by providing penalties for ticketless travel. Surely there is no condemnation here. If so, we also condemn this country by providing penalties for murder and rape and other offences in the Penal Code and, surely, it cannot be argued from that

Mr. Muhammad Nauman: May I interrupt? I was saying that punishment for murder and other crimes is to be found in all parts of the world but a punishment of this nature for an act which has been made a cognisable offence does not exist in any part of the world and if it does, the Honourable Member can explain that.

The Honourable Sir Andrew Clow: Attempts to cheat are punished in all parts of the world. I have not the legislation in all parts of the world before me.

Mr. Muhammad Nauman: Tell us at least about England.

The Honourable Sir Andrew Clow: So far as I can recollect, I remember to have seen due warnings on the walls of railway stations as to what would happen to passengers if they attempted to defraud the railway, which deter them from doing anything of the kind. I have provisions here in places nearer than England—a summary of them. I am told that in Ceylon travelling without a ticket is *ipso facto* an offence. I understand, for example, that in the Federated Malay States, if a person is found travelling without a ticket he may be taken to the nearest police station, if the fare is not paid. I have here the provisions in several places neighbouring India and I find that they are a good deal more attractive than the provision we have in the Bill here but I don't think I would get much support if I were to put them forward before this House.

Then coming to the remarks of Prof. Banerjee. I was not sure whether he was referring to sheep-lifting or shop-lifting.

Dr. P. N. Banerjee: I said 'shop-lifting'.

The Honourable Sir Andrew Clow: He said it was formerly punishable with death, with the result that the courts would not convict and he apprehended a similar result here. He said that the magistrate himself will feel such pity for the offender that he will acquit him. But, surely, there is no analogy between the two cases. The punishment for sheep stealing was death but that was the minimum punishment. The punishment that is proposed to be imposed here is the maximum and if the magistrate feels pity, as he may do in many cases, it is open to him to impose a small fine.

Dr. P. N. Banerjee: I also said that the witnesses will not give evidence.

Mr. Umar Ali Shah (North Madras Muhammadan): What is the difference between Rowlatt Act and this Railway Bill?

The Honourable Sir Andrew Clow: There is a very big difference. I see no similarity.

There was one constructive suggestion in the course of the debate and that was made by Sir Abdul Halim Ghuznavi regarding the introduction of slot machines. Well, if he will go to the Delhi station, he will find a slot machine there for platform tickets but we have got to keep a man there looking after these slot machines. They are only possible for tickets of very small denominations. They are not used in England for the ordinary tickets but are only used on the underground and places where you have very small denominations. As a solution to the problem of ticketless travel, this would not help us very much.

Sir Ziauddin Ahmad made a long series of complaints that he was prevented, I was not sure by whom, from discussing certain matters with the Railway Agents. Now, these were nearly all practical matters of administration, as Mr. Arrey pointed out. They have nothing whatever to do

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with the Bill. If Honourable Members will refer to the Minute of Dissent which Sir Ziauddin Ahmad and Mr. Deshmukh have appended, they will find a list of six points. These are apparently points that they think might have been discussed in Committee but there is not one of them, which could be embodied by means of amendments to the Bill. They are all means for improving the administration in respect of ticketless travel—how we can stop re-selling of tickets and things of that kind. There is one reference, I think, to punishments—"what procedure should be adopted in the case of persons who have no money, for whom imprisonment will have no deterrent effect, that is beggars and *sadhus*." Well, now, I wonder what amendment he would suggest to deal with these gentlemen. I can only suppose he is thinking of some novel punishment in such cases, perhaps as the Mikado suggested, "something with boiling oil in it." We are at all times ready to consider Sir Ziauddin's suggestions for improvement of the administration but there is not one of those points that has any relevance to the legislation before the House.

Dr. Sir Ziauddin Ahmad: If you agree to my suggestion now or in future, then this Bill will be unnecessary.

The Honourable Sir Andrew Clow: Mr. Aney, I think pointed out that Sir Ziauddin is really opposing the Bill. He says that the Bill is not required. That is a perfectly intelligible attitude, but, instead, he says that we should re-commit this Bill to the Select Committee for looking into these matters. I submit that is not the function of the Select Committee at all.

Mr. M. S. Aney: I am told that he raised these points because he was denied the opportunity of discussing them somewhere else.

The Honourable Sir Andrew Clow: I do not know if he was denied the opportunity but if he wishes to discuss these with the members of the Railway Board, they will be ready to have his advice. By sending the Bill to the Select Committee the House endorsed its principle and the House would be stultifying itself by sending this back to the Select Committee, to discuss whether the Bill is necessary or not. If the same aim could be achieved by means of administrative measures, there would be no real object in doing so. I had not originally contemplated sending the Bill to the Select Committee but in response to appeals from the other side, I agreed to do so.

Maulana Zafar Ali Khan: Have you received a representation from the Madras Railway Users Federation in which they say that they do not like this Bill and that it ought to be thrown out?

The Honourable Sir Andrew Clow: Yes, and I have also had a representation from the Ticketless Passengers Association. They do not like the Bill either.

Dr. P. N. Banerjee: Where is the office of that Association located?

The Honourable Sir Andrew Clow: I will take the opportunity of reading then memorial to the House tomorrow. In the meantime, I would ask the House to take the Bill into consideration.

Mr. President (The Honourable Sir Abdur Rahim) The Chair will now put the amendment of Mr Azhar Ali before the House. The question is

"That the Bill be re-committed to a Select Committee consisting of Dr. Sir Zia-uddin Ahmad, Sir Muhammad Yamin Khan, Mr J Ramsay Scott, Mr Govind V Deshmukh, Mr N M Joshi, the Honourable Sir Andrew Clow, Mr B M Staig, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Khan Sahib Shaikh Abdul Hamid, and the Mover, with instructions to report on or before the 26th March, 1941, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was negatived.

The Chair will now put the substantive motion. The question is

"That the Bill further to amend the Indian Railways Act, 1890, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) The House will now proceed to deal with the Bill clause by clause. The question is

"That clause 2 stand part of the Bill."

There is an amendment by Dr Banerjee.

Dr. P. N. Banerjee: Sir, I move

"That sub-clause (2) of clause 2 of the Bill be omitted."

Sir, this sub-clause did not exist in the original Bill but was inserted in the Select Committee. I am not acquainted with the proceedings of the Select Committee, but it seems to me that the claim put forward by the Honourable the Railway Member that the Select Committee improved the Bill does not appear to me to be quite justified. He said that certain safeguards had been provided by the Select Committee, but as the Select Committee has only introduced two amendments of which this is one, it appears to me that Sir Andrew Clow's claim that this was designed to give further protection to travellers is not valid. I think that he is quite wrong in holding this opinion. If this sub-clause did not exist, then a railway servant would be entitled to give a verbal permission, but this sub-clause has made the case for the traveller more stringent. Sir, in what circumstances is a person allowed to be on a railway justifiably? Well, if he is unable to purchase a ticket when the train is about to start either because there is a great rush before the ticket window or because he has arrived at the station very late. It is when there is no time to purchase a ticket that a passenger is justified in boarding the train without a ticket. If there is time to purchase a ticket, he is not justified. Now, if just a few seconds before the train starts, he wants to board the train, he has no time to get a certificate from the person who is authorised. In the first place, as the passenger will not know who the person is who has been authorised to issue the certificate, and then, secondly, it will not be possible for him, within the limited time at his disposal, to approach that person. Even if he is able to approach him, it will be extremely difficult for that authorised

[Dr P N Banerjee]

person to issue a certificate. The issue of the certificate will take at least two minutes and by that time the train will have started. Therefore, this authorised officer of the Railway Administration will refuse to issue a certificate. He will say, "there is no time, I say, you cannot board this train". Therefore it is clear, if the clause is allowed to stand as it is, that it will be a great hardship on the innocent traveller who does not wish to defraud the Railway. Then there is another point. The words used here are 'a railway servant, when granting the permission referred to in sub-section (1), may, if empowered in this behalf, grant to the passenger a certificate.' The word is, 'may'. This is permissible. He will say, 'I am authorised to do it but I will use my discretion and I won't allow this.' What then? How is this to be regarded as an improvement? The Honourable Sir Andrew Clow claims that it is a further protection to the traveller. I do not see how it is. If he wishes really to give protection to the honest traveller then he should word this sub-clause differently. In the first place, he should use the word "shall" for the word "may" and in the second place he should say that if the traveller intimates to the railway servant that it has not been possible for him to purchase a ticket, but that at the earliest opportunity he would purchase a ticket, then he should be allowed to travel. Unless the wording of this sub-clause is changed, I think it would act as a great hardship on the honest traveller and I hope the Honourable Sir Andrew Clow will consider this aspect of the question.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

That sub clause (4) of clause 2 of the Bill be omitted "

Sir Muhammad Yamin Khan. Sir, there is really a great defect which I wanted to point out in this clause that, supposing I am coming from Simla or somewhere else to Delhi, and I have got a return ticket up to Delhi and I want to go to Meerut, and my train comes just in time so that I may hurriedly go and catch the other connecting train, and I have got no time to purchase a ticket by going outside to the booking office, and I want to board the train, as otherwise I may be detained for two or three hours for the next train, and in this hurry I want to catch the other train which may take me to my place, then what happens? Of course, there are other provisions in the Bill which may catch me under which I may be liable to be sentenced to one year's rigorous imprisonment or something like this, but, to avoid this, there is only one thing, viz, that this clause has come in. Will this clause be effective? Supposing there are only two minutes. Am I to search for the man who is to grant the certificate on the platform as to who is the person authorised to give me a certificate so that I can travel with that certificate or should it suffice for me to inform a railway official on the platform who should come to me at the next station or at the next junction and not cause worry at a time when I have got only sufficient time to board the train? That is the kind of difficulty in the way of the *bona fide* passengers, and of course that has been fully explained by Dr. Banerjee and I do not want to repeat the same arguments. But I would like to know how this thing, that is, if he may not grant this certificate, will affect and how does it help the *bona fide* traveller in a particular case such as I have mentioned, because this sort of thing will really happen and which has really happened when a *bona fide* traveller gets in without

a ticket. Sometimes he will not be able to purchase a ticket at the booking office because I have had myself some experience very recently, not even a month ago when on one of the lines where return tickets had been recently introduced, I wanted to purchase a return ticket and the booking clerk did not quite know whether a return ticket had been allowed or not and it took me twenty-five minutes to get the ticket from him and this man did not know how to issue the ticket, how much to charge from me and for all these things another booking clerk had to come for his help and rescue and then I got it. All this time the other passengers were waiting and they could not get their tickets. There were hardly two minutes left in the arrival of the train before I got my ticket and by the time I had finished I had sufficient time to go and get into the compartment and I do not know what happened to the other passengers. So with regard to this clause, what would those poor people have done because there was no other train on that line for nearly three or four hours again? So in these cases, if you put in something like this that a kind of certificate may be given, on any other station that will not cause unnecessary hardship to the *bona fide* travellers, because, if the man is unable to produce this certificate, he has to pay one-sixth excess fare under clause 4.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 19th February, 1941.

LEGISLATIVE ASSEMBLY

Wednesday, 19th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

MEMBER SWORN

Mr Chandra Bhal Johri, M.L.A. (Cities of the United Provinces Non-Muhammadan Urban)

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

DEMAND FOR RUK-KOTRI TRUNK TELEPHONE CONNECTION IN SIND

98. *Mr. Lalchand Navalrai: (a) Will the Honourable the Communications Member be pleased to state if he is aware that there is a long standing demand, for a trunk telephone connection between Ruk-Kotri in Sind?

(b) Is it a fact that during the riots in Sind, the Collectors of Larkana and Dadu felt the urgent need for a telephone connection to communicate with the Government at Karachi and were much handicapped for the absence of such a facility?

(c) Is it a fact that the Divisional Engineer of the Postal Department recently visited Larkana and the merchants and officers convinced him of the necessity of the trunk connection and agreed to take sufficient local connections and the Collector also agreed to give a plot of land adjacent to the post office for telephone purposes?

(d) Do Government propose to take into consideration the present War conditions and the urgent need and carry out the pending scheme at an early date? If not, why not?

Sir Gurunath Bewoor: (a) The Honourable Member made requests about the end of 1939 and beginning of 1940 for the trunk telephone connection referred to, and an article appeared on the same subject in the *Sind Tribune*, a local weekly paper which is issued from Larkana, and is, I understand, edited by the son of the Honourable Member

(b) No complaints of the nature mentioned in the question were received from the Collectors of the Districts by the Head of the Circle

(c) The Divisional Engineer, Telegraphs, visited Larkana and Dadu with a view to seeing what the demand for telephone facilities was likely to be and made local enquiries. He did not ask the Collector of Larkana to give a plot of land adjacent to the Post Office for telephone purposes and, therefore, the question of the Collector agreeing to give such a plot does not arise

(d) No, because the scheme is unremunerative and there are more urgent demands on the resources of the Department

Mr. Lalchand Navalrai: With regard to these telephone connections, may I know from the Honourable Member which are the other places which are more important than this part of the Upper Sind?

Sir Gurunath Bewoor: I have not said that any other places are more important

Mr. Lalchand Navalrai: Then, what are the other causes which come in the way of this important part of the country for the convenience that is being asked for?

Sir Gurunath Bewoor: I said the scheme was unremunerative

Mr. Lalchand Navalrai: How can the Honourable Member say that the scheme is unremunerative when the telephone connections have not been established? It is only a surmise

Sir Gurunath Bewoor: No We have made inquiries

Mr. Lalchand Navalrai: Will the Honourable Member personally go into this matter and consult the Collector and other persons concerned and find out the exact position, and not give a disappointing reply?

Sir Gurunath Bewoor: The Divisional Engineer, Telegraphs, has made full inquiries and reported to us

Pandit Lakshmi Kanta Maitra: May I inquire if for administrative purposes, if it is not desirable to have a telephone connection from Larkana to Karachi?

Sir Gurunath Bewoor: I have already replied that no demands of the kind have been made by the Collectors of the districts concerned

Mr. Lalchand Navalrai: May I know if the Honourable Member is going to hold this view all the time he is the Director General, or is he also going to leave a legacy to his successor that there should be no telephone connection on this side?

Sir Gurunath Bewoor: I cannot say anything about the future

COMPLAINTS AGAINST THE HINDUSTANI LANGUAGE AS USED IN ALL-INDIA RADIO BROADCASTS

99. ***Mr. Lalchand Navalrai:** (a) Is the Honourable the Communications Member aware that complaints have been made that All-India Radio stations have been using Urdu mixed with abstruse Arabic and Persian words, unintelligible to the popular mind while broadcasting in Hindustani?

(b) Has the attention of the Honourable Member been drawn to the presidential address recently delivered at the 29th session of the All-India Hindi Sahitya Sammelan at Poona, protesting against the use of such difficult words which are not appreciated and followed by general populace?

(c) What is the object of Government in allowing such difficult and abstruse Persian and Arabic words to be used in broadcasting in Hindustani, especially when separate broadcasting in Persian and foreign languages is done from the All-India Delhi Radio station?

(d) What steps do Government propose to take to see that the aforesaid complaint is removed? If none, why not?

The Honourable Sir Andrew Clow: (a) Yes, but I would remind the Honourable Member that we have had similar complaints on the score of All-India Radio using unfamiliar Hindi and Sanskrit words

(b) Yes

(c) and (d) Difficult and abstruse words, whatever their origin, are, as far as possible, avoided in the Hindustani news bulletins. The policy of All-India Radio is, to use a vocabulary which is understood by the largest number of listeners over an area which extends to Peshawar, Lahore, Lucknow, Patna, Nagpur and Bombay. In pursuance of that policy All-India Radio is now engaged on the preparation of a lexicon of Hindustani words most generally in use which are required for news bulletins.

Dr. Sir Ziauddin Ahmad: *Ulla Chor Kotwal ko date* May I ask the Honourable Member to listen to some of the speeches? It is a definite complaint that they use Sanskrit and Hindi words which neither the Honourable gentleman nor I can understand.

Lieut.-Colonel M. A. Rahman: Is it the intention of the Government to deprive the Urdu knowing public of broadcasting in Urdu?

The Honourable Sir Andrew Clow: No, Sir. The Hindustani that we use is used in the news bulletins.

Lieut.-Colonel M. A. Rahman: If it is so, then Government will please fix a few days in the week for broadcasting good Urdu for the intelligentsia of India who can really enjoy the civilised and sweet language?

The Honourable Sir Andrew Clow: I do not accept the implication that the entire intelligentsia understands such a language. We have found that the use of either a highly Persianised or a highly Sanskritised language gives, on the whole, more pain than pleasure.

Maulvi Syed Murtaza Sahib Bahadur: May I know if the Honourable Member is alive to the fact that Urdu has now become "Urdu-i-Mualla", which means an exalted language, inasmuch as it contains much of Urdu literature which is beneficial not only to the Muslims, but also to all other communities of India?

The Honourable Sir Andrew Clow: I do not think the addition of a title should alter the view that we take of its utility for broadcasting.

Kunwar Hafeez Ismael Ali Khan: What is the difference between the Urdu and the Hindustani?

The Honourable Sir Andrew Clow: There is a difference in the common understanding of these terms in that Urdu contains a larger percentage of Persian words than Hindustani.

Mr. Lalchand Navalrai: What I want is that the words used by the All-India Radio should be very simple, so that all people may be able to understand them. Will the Honourable Member appoint some officers to go into this question and simplify the language that is being used?

The Honourable Sir Andrew Clow: I have stated at the end of my reply to the Honourable Member that the All-India Radio is now engaged on the preparation of a lexicon of Hindustani words most generally in use which are required for news bulletins.

Mr. Muhammad Azhar Ali: Does the Honourable gentleman know that the Hindu Kashmiri friends and also the Kayastha friends of the country all enjoy Urdu language just as the Mussalmans of India do?

The Honourable Sir Andrew Clow: Did the Honourable Member suggest just as the Mussalmans of India enjoy Hindi?

Mr. Muhammad Azhar Ali: My question is about Urdu alone?

The Honourable Sir Andrew Clow: The complaints that we receive in the All-India Radio do not suggest that that conclusion is correct.

APPOINTMENT OF AN INDIAN AS CHAIRMAN OF THE KARACHI PORT TRUST

100. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Communications be pleased to state if Government received a telegram from the Shippers and Buyers' Association, Karachi, urging that an Indian Officer should be appointed as Chairman of the Karachi Port Trust?

(b) Is it a fact that the present Chairman of the Karachi Port Trust, Colonel Johnston, is due to complete his fifty-fifth year by August next and is expected to retire?

(c) If so, do Government, in view of their policy to Indianise the Port Trust Services, propose to appoint an Indian as Chairman of the Karachi Port Trust?

The Honourable Sir Andrew Clow: (a) and (b) Yes.

(c) The question of the arrangement to be made is under consideration, and I must ask the Honourable Member to wait until a decision has been reached.

Mr. Lalchand Navalrai: Will the Honourable Member continue to hold the policy that an Indian officer should be appointed as Chairman whenever it is possible to do so?

The Honourable Sir Andrew Clow: I am not aware that that policy has been enunciated, but I am considering whether a suitable Indian Chairman can be found.

MEASURES FOR PREVENTION OF TAMPERING WITH SEALS ON POSTAL BAGS

101. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Communications Member be pleased to state if it is a fact that the postal bags in which post is despatched and cash remitted are sealed with wax impressions of the despatching offices?

(b) Are Government aware that these seals are sometimes tampered with and removed in transit and similar impressions reproduced by a process from the original seal impressions and re-affixed on the bags after removing some of the contents?

(c) Have such cases occurred in India and, lately, in Sind in the Sewhan Post Office?

(d) If so, what measures or contrivances have Government adopted to deter such tampering?

Sir Gurunath Bewoor: (a) Yes

(b) and (c) Heads of Circles were asked to report the number of such cases and have stated that they know of no case except the one at Sewhan which occurred in 1937

(d) Departmental instructions already prescribed careful examination of the cord and seal of all bags before they are opened and no further measures are called for

Mr. Lalchand Navalrai: Is the Honourable Member aware that these bags are opened and the seals removed, and then by some contrivance the seals are reproduced? What is the Honourable Member going to do with regard to that? I want something should be done, instead of only applying that seal, there should be some other safety measure adopted by the Department

Sir Gurunath Bewoor: I do not know what other safety method the Honourable Member is referring to, but any safety method adopted is always liable to be tampered with

Mr. Lalchand Navalrai: Why not try a better method? The intelligence of the Director General of Posts and Telegraphs must be able to devise a better method

Sir Gurunath Bewoor: There has been only one case of this kind in 1937. We cannot trace any other

Mr. Lalchand Navalrai: Is the Honourable Member waiting for many more cases to happen? There may be more cases in other parts of India

Sir Gurunath Bewoor: We have enquired from the whole of India

RAILWAY BUDGET FOR 1941-42

The Honourable Sir Andrew GLOW (Member for Railways and Communications) Sir, I have the honour to present to the House the Railway Budget for 1941-42. The year that has elapsed since we discussed the Budget for the current year has been momentous. Then we had seen five months of what now seems little more than the overture to the actual war and as I then said the possible developments arising out of the war were largely hidden from our eyes. The succeeding months, with their cataclysmic events, have altered the whole outlook here and elsewhere. The

[Sir Andrew Clow]

nation has realized that the war is an issue on which neutrality is impossible and it is one of its compensations that so many millions, in all walks of life, have been drawn by the common danger and the common need into a fellowship of concentrated effort. On the railways, as on our big industries, the war has had far-reaching effects. These have been, on the financial side, mainly beneficial, so that, while I am able to present a remarkable balance-sheet, it is as well to remind ourselves of the other side of the picture. Our profits are, in considerable measure, the result of traffic due, more or less directly, to the war and thus represent a devastating sacrifice not merely of property but of life and welfare.

2 Compared with the sacrifices that are being made, not only in India but by millions who have never seen India, and who are yet contributing to our railways' prosperity, any efforts that the railways have made cannot loom large, but they are doing what they can, and the effort in itself is considerable. A certain number of officers and men have gone to join the fighting forces, a great many more are engaged in ancillary war work. Whole workshops have been turned over to military needs, and those we retain are producing, in increasing quantities, various war requirements. These range from a whole ambulance train to small parts of shells, and include articles used in clothing, feeding, arming, transporting and housing the fighting forces.

3 In addition to manufacturing war equipment, we have had to provide for war needs out of what we were using ourselves. The most important development here has been the dismantling of railway lines for shipment overseas. After utilizing to the full available stocks and rails released by relaying, we had no alternative but to close and take up a number of lines. Changes in the situation have made it unnecessary as yet to go as far as at one time seemed unperative, and we have so far closed or ordered the closing of only 9 lines out of 18 which the House will find detailed in the memorandum placed before the Central Advisory Council last December. Of the 9 lines selected for dismantling 6 were opened in the period 1927—32 and of the other 9 on the list, 7 were opened in that period. We regard all the lines notified as unremunerative so that, while I deeply regret the resulting dislocation, enhanced as it was by the shortness of the notice given, I doubt if we are doing more than taking precipitately action which, even without any war needs to satisfy, would be inevitable at a fairly early date. It is some consolation to know that lines which, if we had remained at peace, would soon have proved superfluous, are going to meet an urgent need and to feel that it is not a case, as in the last war, of leaving the tracts affected without mechanical transport altogether. In present circumstances, the motor transport industry should be able to carry profitably most of the traffic which these branch lines found inadequate for their maintenance.

4 We have also had to defer hopes and in particular the hope of seeing the manufacture of broad gauge locomotives undertaken as a large-scale industry. The heavy demands for skilled labour, machine tools and materials resulting from the immense expansion in the production of munitions and other military requirements made it out of the question to embark at this stage on a new large-scale industry, and the workshop which we regarded as most suitable for the purpose has been completely turned over

to war work. We have placed orders for ten broad gauge locomotives for the North Western Railway and 15 for the Great Indian Peninsula Railway with the Bombay, Baroda and Central India Railway Company, but it has not yet been possible to secure all the necessary materials even for these

Capital Position, 1940-41

5 In entering the financial field, I propose on this occasion to deal first with the capital position and to turn later to the working results of the three years with which we are concerned. The capital at charge at the opening of the current year was 758½ crores. To this the main asset added during the year was the Bengal-Dooars Railway, which was company-owned, and extended to 161 miles of metre gauge line. At a price of 173 lakhs it passed into our hands on 31st December last, and has been incorporated in the Eastern Bengal administration. We have opened for traffic during the year the Sind Right Bank feeder line running for 84 miles from Larkana to Jacobabad, while a small but important link on the South Indian Railway has brought the broad gauge system to the heart of the great new harbour at Cochin.

6 The chief reduction in our assets arises from the dismantling of the branch lines. If no others are added to their number, the total mileage reduced by the end of the year will be about 305 miles, of which 44 are of 2' 6" gauge and the rest broad gauge. The dismantled lines on State-managed railways represent a capital of 190 lakhs. Of this amount, we shall write-off, by debit to the depreciation fund, a sum of 90 lakhs, of which we expect that 50 will be credited to the depreciation fund on account of the sale proceeds of materials. The balance represents our estimate of the amounts contributed in respect of these railways to the fund since its inception. The remaining crore we propose to meet from the railway reserve fund. In regard to Company-managed railways, the terms of their contracts do not contemplate the writing-off of capital in such cases, except to the extent of the value of released materials, which we estimate at 15 lakhs out of the total of approximately 70 lakhs of capital involved. We propose also to write-off, by means of withdrawal from the depreciation fund, a capital sum of 41 lakhs representing assets on State-managed railways, which were abandoned in previous years.

7 The House may be interested to know that there is a further sum estimated at 118 lakhs of our capital in Company-managed lines which represents abandoned assets. For the reason already mentioned, it is not practicable to write this off, but it is well to bear these dead assets in mind in assessing our capital position and judging of the adequacy of the depreciation fund. This fund began the year with assets of 30½ crores. The estimated net receipts during the year are 4½ crores so that the assets at the end of this year should be 35 crores. This excludes the debt of 30½ crores, representing raids on the fund in the years of depression, under the moratorium approved by this House, we are not at present liable to repay these and do not propose to make any repayment this year.

8 Difficulties in obtaining materials were responsible for capital expenditure on works falling well below our budget estimate. Apart from the payments for the Bengal-Dooars Railway and the Hardwar-Dehra Railway, we added only about 3½ crores to our capital and we shall be writing-off almost the same amount. At the end of this year the capital at charge should be about 761 crores.

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Capital Programme, 1941-42

9 For next year our capital programme includes no new lines, but there will be other capital transactions of great importance. The House is already aware of the decision to terminate during next financial year the contracts of two important railways—the Bombay, Baroda and Central India Railway and the Assam Bengal Railway. These decisions were taken after reference to the Standing Finance Committee and the Central Advisory Council for Railways and as Honourable Members will find the main considerations set out in the proceedings of the Council, I need not enlarge upon them here. I will only say that the divided votes in both bodies reflect our own views, namely, that while there were arguments of weight against purchase in both cases, and particularly in the case of the Assam Bengal Railway, where the majority in the Advisory Council was small, the balance of advantage in both cases lay with terminating the contracts. I should like to make it clear, in view of possible misapprehension, that the Government of India have never accepted the view that every contract for the working of a State-owned railway should be terminated whenever opportunity offers, irrespective of the merits of the case. Indeed, in the case of one of these railways, the previous option, which arose in 1931, was not exercised, and all cases must be considered in the light of the advantages and disadvantages as they present themselves at the time.

10 In the present cases, as I have said, the advantages appeared to outweigh the disadvantages. The Bombay, Baroda and Central India Railway yields a good return and appears to offer a sound investment. The Assam Bengal Railway does not yield an adequate return on the capital, the Company depends for its dividend upon the three per cent guarantee and there was, so far as we could foresee, no prospect of their passing the stage at which the guarantee would be inoperative and surplus profits would become available. But this does not constitute an argument against purchase, for it means that at present all losses and gains fall on Government whether it is managed by the company or by ourselves, and the shareholders' dividends have for a number of years been entirely independent of the working results. Moreover, the bringing of the Assam Bengal Railway and the Eastern Bengal Railway under unified control, which is a step we propose to take, offers the prospect of some saving of expenditure and a little increase in traffic.

11 The disadvantages inherent in any form of State-management are, I know, increasingly recognised and were prominently in the minds of some of those who considered the question on this occasion. I would like to assure the House that we, on our part, are by no means oblivious of them. Officials are at times accused of overestimating their abilities, but our faith in bureaucratic competence is considerably less than that evinced by those who are so constant in asking us to undertake new tasks. And, apart from any difficulties inherent in official management of an industrial enterprise, the handicap to efficient administration which is involved in a system rendering the organization answerable to a popular legislature not merely in respect of questions of general policy but in respect of details must be constantly present to reflecting Members of this House.

12 At the same time, the advantages of retaining adequate State control over a great organization of this kind, which is so vital to the

economy of the country and which gives a living to so many of its citizens, are to my mind obvious. It is my hope that in days to come it will be possible to introduce a system which will combine these effectively with a measure of that flexibility in administration, that readiness to make experiments, that ability to decentralize and that health-giving lack of uniformity which are today more characteristic of private enterprise than of bureaucratic responsibility. Unless this hope can be realized, the big step we have now taken may prove anything but profitable to the commonwealth in future years.

13 In the case of the Bombay, Baroda and Central India Railway, Government already own 96 per cent of the capital and the payments to the Company will amount to £2 million or 2½ crores. In the case of the Assam Bengal Railway, Government own nearly 92 per cent of the capital and the payments to the Company will be £1½ million or 2 crores. In addition, we have given notice to the Tapti Valley Railway Company of the purchase of their line, which is a broad gauge line 156 miles in length. It is owned by this Indian Company but operated by the Bombay, Baroda and Central India Railway Company. The purchase becomes effective on the 31st March, 1942, but as the purchase price of about 1½ crores will not be paid till early in 1942-43, no provision has been made in the present budget.

14 Other capital expenditure next year has been put at about 10½ crores of which about four crores will be charged to capital and the rest to the depreciation fund. That fund should receive about 12½ crores, and if there are no unexpected charges against it, the assets at the end of the year should be 41 crores. There are those who, seeing a difference between what is going into and what is coming out of the depreciation fund, tend to assume that that difference represents money that should not go in at all. This is, of course, a fallacy and it is well to remember that in the present situation, the special difficulties in the way of making replacements and renewals must be reflected here. The curtailment of replacements represents a definite deterioration which will have to be made good at a later date.

Accounts for 1939-40

15 I turn now to the income and expenditure of the past, the present and the coming year. Beginning with 1939-40, I estimated that the year would end with a surplus of 361 lakhs. But traffic in the last two months proved better than we expected by about 35 lakhs, while expenditure was below the estimate by half a crore. Interest and other charges were up by 19 lakhs, but miscellaneous revenue and expenditure gave us six lakhs more, so that we had a surplus of 433 lakhs. Even so, this did not provide the one per cent on capital which had to be paid to general revenues, so that these took the whole of our surplus and carried forward a demand for a further 30 lakhs to make good the deficit. That sum comes as a first charge against this year's surplus.

Revised Estimates for 1940-41

16. Passing to the current year, I estimated the traffic-receipts at 108 crores. That figure looks like being considerably exceeded and we have

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placed the revised estimate at 109½ crores, a figure more than 11½ crores above the receipts of 1939-40. This large increase is due in part to the increases in freights and fares which were announced in the last budget statement, these are expected to have yielded over 6½ crores by the end of the year. The rest represents the actual and expected improvement in traffic. Whereas the increase we got last year was entirely in goods traffic, this year's increase has been mainly in passenger traffic. Our estimate allows for an increase in the volume of goods traffic of 2½ per cent and in coaching traffic of 8 per cent. This increase in coaching traffic is particularly encouraging as affording evidence of increased prosperity among the masses, and it is satisfactory to find that the increased charges have not produced the dire effects that were apprehended by some of their critics. In only a few directions did it prove desirable to grant exemptions from the enhanced scale of freights. The most important of these were the complete exemption of newsprint and newspapers and the concessions given to flour and pig iron on a number of lines. We are at the moment carrying particularly heavy traffic and are limited in respect of goods in important areas by the wagons available.

17 A shortage of wagons at this season is no new thing, but the main shortage this year has been in unusual areas and occurred in spite of big improvements in operation which have added substantially to the effective supply of wagons. An expert committee on wagon turn-round, after a rapid survey last winter, recommended a large number of improvements that are saving wagon-time. A special Transport Advisory Officer, appointed in January, was able, with the co-operation of the interests concerned, to point the way to better wagon supplies, particularly for coal. In the result during the five months ending with April last, the East Indian and Bengal Nagpur Railways were able to supply to the trade 48,000 more wagons than in the corresponding months of the previous year—an increase of about 12 per cent. We are also pressing on with works designed to secure better operation. In particular the provision of a second down line from Khana to Ondal, a work now in progress, should go a long way to assisting the East Indian Railway in meeting the demands of the coal trade, while goods yards and goods sheds are being remodelled in many places, notably Moradabad, Sealdah and Bezwada.

18 Our revised figure for working expenses and depreciation for this year is 66.71 crores, which is only seven lakhs more than the original estimate. We have saved about half a crore because prices did not rise to the extent we anticipated, but we have added an equivalent sum to meet possible charges for war allowances and other emergent charges, so that our figures virtually mean that the substantial increase in traffic is not reflected in our expenditure figures. This, as I hope the House will agree, is not the least remarkable feature of this year's working. It has of course to be remembered that the increase in traffic is not on the same scale as the increase in earnings, for we raised the rates, and that a large part of the increase in passenger traffic goes to fill out seldom over-crowded carriages and thus does not add appreciably to our expenses. Moreover the repercussions which a sudden increase in traffic produces in the way of increased charges for maintenance and repairs are felt more in later years than at the time.

19 Adding interest charges of 28.74 lakhs to the working expenses and deducting 79 lakhs as the balance of miscellaneous receipts over expenditure, we get an expenditure figure of 94.66 crores. This has to be set against an income of 109.25 crores. I exclude on both sides a figure of 547 lakhs for worked lines. The resultant estimated surplus for the year is 14 crores 59 lakhs.

20 This, if it is realized, will be the highest surplus attained in any year since railway finances were separated. I hope that those critics who were, in the darker years, so ready to measure the railways' inefficiency by the deficits, will apply the same canons of judgment to this year's surplus. But it is a very faint hope and I do not share their views. Deficits and surpluses alike depend largely on factors outside the control of railway administrations. This is not only because they reflect so largely the economic situation in the country—it has also to be remembered that with railways under State control, the aim is not profits but service. Our rates, on which our income depends, are not fixed with a view to securing the maximum income—still less are our wages, which form the most important element in our expenses, fixed with a view to a minimum expenditure.

21 At the same time, I am convinced that the efficiency of the railways has been rising steadily in recent years and the results now presented could not have been achieved without an immense amount of loyal work from all ranks in the railway service. They have had, in most cases, to work harder, to deal with many more passengers, to transport increased goods, to meet urgent and important demands from the military authorities. To all grades we have reason to be grateful. I would like to take this opportunity of acknowledging specially the services rendered by Sir Guthrie Russell, who relinquished the appointment of Chief Commissioner during the year to take up work more intimately connected with the war. He held that onerous and responsible post for eleven years, which were for the most part years when the task was particularly difficult. Solicitous alike for the interests of the public and of the staff, he made his influence felt in every direction and has left behind him an organization which is far more adequately equipped to meet the needs of the community than it was a dozen years ago and which secures better working conditions for those who man its ranks.

Estimates for 1941-42

22 In framing the estimates for next year we are confronted with difficulties at least as great as those which faced us last year. We are living in a time when prophecy is particularly hazardous. No one in this House, I imagine, foresaw with any approach to accuracy the main events in the international sphere during the last year, and the only certainty is that the war has not exhausted the surprises it can bring. There are various developments that might swiftly stultify any calculations we may make, and even events which, from the historical point of view, may be of minor importance can produce large reactions in our economic life. I would remind the House that within the last ten years the Railway Member has twice found his estimate of the year's balance more than ten crores out on the wrong side. If unexpected variations on this scale can occur in peace time, we who face far greater uncertainties run the risk of greater falsification of our expectations. What we have done is to put our figure for next year's receipts at a crore below the revised estimate for this year,

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that is, at 108½ crores. This is simply because the few factors in the situation whose effects we can calculate seem in the aggregate to justify such a variation. Our figure for this year had to be greatly increased, at the last moment, on account of the phenomenal traffic figures in a few weeks in January, and it would be unsafe to bank on their repetition, while there are other factors which suggest a little caution. But I must repeat that the unknown factors are more important than those which we have considered and our figure would be more accurately described as a guess than as an estimate. Adding 78 lakhs for net miscellaneous receipts, we get a total income of 109.03 crores.

23 This allows for no important changes in freights or fares. We intend to reduce the surcharge on coal by five per cent for the months from April to October inclusive. This seasonal variation is designed to encourage those who can to place their orders at times when the wagon position is easier. We are examining the question of whether the rebates designed to encourage the export of coal and wheat are still justified, and the question of whether suburban season ticket fares which were not altered when we enhanced passenger fares last year, are giving a fair return at their present levels. We are also considering whether the scale of fares for distances above 50 miles on the East Indian Railway should not be brought more into line with those in force on other State Railways. But no change will be made in these charges at present or within the next three months at least. We propose to continue the exemptions for food-grains and fodder from the increased freight given last year, because so far as we can see, extra expenditure on staff will not be on a scale rendering it necessary to secure more revenue in that direction, but I would remind the House of the warning I gave last year that the maintenance of the exemption on food-grains must depend on the demands made on us for the remuneration of our staff, and that the case for exemption of fodder is not so strong as it then was.

24 On the expenditure side we have put the working expenses, including depreciation, at 68.60 crores. This is an increase of 1.89 crores over this year's revised estimate, the largest item in this increase represents a provision for possible war allowances. Interest charges are put 14 lakhs lower than last year at 28.60 lakhs, so that our expenditure has been put at 97.20 crores. This figure, and the figure I gave for receipts of 109.03 crores, exclude an item of 5½ crores which appears on both sides of the balance sheet on account of worked lines. The estimated surplus comes to 11.83 crores.

Allocation of Surplus

25 In conclusion, I deal with the allocation of the surplus we expect to have. Were it not for the moratorium, this would have to go to the replacement of the loans taken from the depreciation fund, but the moratorium relieves us from this obligation for the present, and the first charge will be the unpaid balance of the one per cent contribution to general revenues for last year, this amounts to 30 lakhs.

26 The calculation of the contribution for this year brings us to the complicated provisions of the Convention governing the separation of railway finances, most of us had forgotten how complicated these provisions were.

because for many years the surplus, if there was any, was not large enough to bring its complications into play. The first payment to Government consists of the one per cent. on the capital at charge of commercial lines, less the loss incurred on working strategic lines: this will amount to 4.63 crores. The Convention provides that the next three crores should go to the railway reserve and that thereafter only two-thirds of the surplus should go to the railway reserve. The remaining third goes to general revenues and we estimate this amount at 2.22 crores. Adding these together and the demand on account of last year, the total of the three payments comes to 7.15 crores.

27 This would seem to leave 7.44 crores for the railways, but we have to reckon with yet another provision of the Convention. This stipulates that there shall be added to the one per cent. contribution one-fifth of the surplus profits remaining after payment of that contribution. The fixed contribution is based on the capital at charge in the penultimate year and this one-fifth is calculated likewise. What that means is that this sum, which we estimate at 1.82 crores, is only put into the railway reserve to be taken out again in the year after next. We propose, however, to surrender this sum during next year, when the amount will be determinate. The needs of the taxpayer are needs of the present and of the immediate future and there is nothing—if we ignore a few lakhs of interest that the railways would otherwise receive—to be gained by our holding on to the money till the following year. Thus the sum which, under the convention, the railways receive ‘to have and to hold’ is reduced to 5.62 crores.

28 From this reduced sum it is proposed to make a further large reduction outside the Convention. We propose, in fact, to surrender half of it to general revenues which will treat it as a payment against the debt to Government. Speaking for the railways, I cannot but regard that debt as in large measure the result of an arrangement which imposes on the railways a burden too heavy for normal times. But we are living in abnormal times and feel that we should do all we reasonably can by way of direct assistance to the taxpayer at a time when he needs assistance more than ever before.

29 This reduces, in the final result, the gain to the railway reserve to 2.81 crores while general revenues stand to receive, by the five amounts I have mentioned, an aggregate of 11.78 crores—9.96 crores in this year’s accounts and 1.82 crores in next year’s. Against the railway’s credit of 2.81 crores has to be set the disbursement of a crore which I mentioned earlier, so that the railway reserve will get a net increase, if our estimates prove accurate, of 1.81 crores. Even that, I may remind the House, has as its first object, to quote the Convention, “to secure the payment of the annual contribution to general revenues.”

30 I do not propose to take the House through the calculations for next year. The figures are much more hypothetical and before the year comes to a close, we shall have to consider the position created by the expiry of the moratorium. I will only say, therefore, that on the basis of the estimates we have framed and of the system adopted for dividing this year’s surplus, general revenues would receive, in addition to the payment of 1.82 crores already mentioned, sums amounting to 8.86 crores. The railway reserve would receive 8.47 crores. There would of course be the deduction of that 1.82 crores from the railway’s share, but I have taken this into account in estimating the net accretion of this year at 1.81 crores, and therefore omit it here. But there would be a further liability to

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Government on account of the one-fifth of next year's surplus which would amount to 1 25 crores, so that the final net gain to the railways would be 2 22 crores and to general revenues 9 61 crores

31 These results will, I realize, come as a disappointment to many who are interested in the railways. Although we expect a record surplus, and one far exceeding my estimate of a year ago, our reserve gains a very small sum. It is true that we have strengthened our capital position, but even if we take that into our calculations, the betterment to our position still falls short of the sum I hoped to receive on the basis of the original estimates—that three crores which the Convention treats as the first payment to the railways.

32 Railway administrators remember that in the difficult years of the last decade, they were cramped and confined in attempts to make ends meet when the ends, in their view, had been so adjusted against the railways that they could not equitably meet. Retrenchments and economies were enforced which they felt to be against the interests of successful working and consequently against the interest of the community, which owns the railways and should be keenly interested in their prosperity. Now when the prospect appears of providing a little insurance against a recurrence of such events, general revenues come in by another door, as it were, to remove that protection. But I feel confident that when it is realized that the needs of general revenues are war needs and that the alternative to an arrangement such as we propose would be an even heavier burden on the general taxpayer than he must in any case be called upon to bear, the justification for this arrangement will be recognized.

33 I would, however, add one word of appeal. I hope that in the future this House or its successors will not forget the service which the railways have been able to render at this juncture and will be ready, when peace is restored, to give the railways generous treatment. Generosity by the community here is generosity to themselves, and a liberal policy towards the railways will not fail of its reward.

THE PETROLEUM (AMENDMENT) BILL

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) Sir, I move for leave to introduce a Bill further to amend the Petroleum Act, 1934.

Mr. President (The Honourable Sir Abdur Rahim) The question is
“That leave be granted to introduce a Bill further to amend the Petroleum Act, 1934.”

The motion was adopted.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar Sir, I introduce the Bill.

THE INDIAN RAILWAYS (AMENDMENT) BILL

Mr. President (The Honourable Sir Abdur Rahim) The House will now resume consideration of the Bill further to amend the Indian Railways Act, 1890, as reported by the Select Committee. The question is,

“That sub-clause (2) of clause 2 of the Bill be omitted.”

I think Sir Muhammad Yamin Khan has not finished his speech on the motion before the House

(Sir Muhammad Yamin Khan was not in his seat)

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) I should like to continue the debate on this motion. I understand that the amendment is

"That sub clause (2) of clause 2 of the Bill be omitted"

I thought that this was at least one particular piece of good work which we did in the Select Committee. In the Bill, which was presented before the House in 1936, there was a provision that if a person who could not purchase a ticket had informed a railway servant authorised in this behalf and took a certificate, then he would be charged no penalty. The present Act provides that, whether you inform the authorised person or not, the penalty will be there.

Dr. P. N. Banerjee (Calcutta Suburbs Non-Muhammadan Urban) In the absence of this particular provision the provisions of the existing Act will continue.

Dr. Sir Ziauddin Ahmad: In the absence of such a provision, the present Act says that in any case you will have to pay the penalty, the penalty clause will stand, i.e., penalty equivalent to 1/6th May I refer you to page 53 of the Act, section 113 (3) which says

"Where a passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred, be one rupee, two annas or eight annas, and

(b) in any other case be six rupees one rupee or three rupees, according as the passenger is travelling

So that if you will read carefully section 113 (3) of the present law, you will observe that if a person has incurred this charge that is, if he has entered the compartment and come to the railway station without a ticket and he himself has informed the authorised railway official in a *bona fide* manner that he has entered the compartment without a ticket, even then there will be a penalty. It is to remove this particular clause that this provision was made. The present enactment does not really exempt a person who is a *bona fide* passenger, who does not intend to cheat, and who informs in time the persons concerned before being detected. In the Bill of 1936 it was thought that there should be no penalty in the case of such passengers. In order to secure the very object that my Honourable friend has, this provision was added and this was the only concession which we got in the Select Committee in favour of *bona fide* passengers who could not purchase tickets for *bona fide* reasons. As regards the question about 'may' and 'shall', I would have very much liked the word 'shall', but the arguments advanced by some members in the Select Committee did appeal to me. Supposing there is a big *mela*, a large number of people may enter the train and every one may want to have a certificate. According to the law a certificate must be given to everybody and then the train will have to be detained for about fifteen minutes or half an hour. I thought that it was not desirable to have such a state of things, and I was given to understand that in this particular case "may" has really the meaning of "shall", because we know that in law whenever we use the word "may," it really has the same

[Dr. Sir Ziauddin Ahmad]

meaning as "shall" This provision is really for the benefit of the *bona fide* passenger, and I hope that my Honourable friend will not press his amendment to a division

Mr. Govind V. Deshmukh (Nagpur Division Non-Muhammadian) As a member of the Select Committee who happens to be blamed for allowing the Bill to emerge out of the Select Committee in the form in which it has been out, and particularly this clause, I wish to say a few words in defence. What section 68 of the Act of 1890 contemplates is this

"No person shall, without the permission of a railway servant, enter any carriage on a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket."

In other words, a person can only under certain circumstances travel with the permission of a railway servant. By this Bill we are making a provision regarding the permission of a railway servant,—how that permission is to be obtained. In the section nothing is said, it may be verbal. In that case what is to happen? A person granting permission to a passenger who has been unable to purchase a ticket at the booking office—that person who generally happens to be a ticket collector or a guard, may or may not remember at a certain stage whether he had granted the permission. It may be that the guards change and then there is no proof whether a particular person was granted permission to travel or not. In order to get over this difficulty—may be lapse of memory of the person who grants the permission, and to facilitate in other ways—we have, in other words, armed the person who is travelling without a ticket, to get a writing in order that he may be saved trouble later in the course of his journey. Supposing the present amendment we have introduced here were deleted, what would be the position? The position would be that this old section, so far as permission is concerned, remains intact. What happens? My Honourable friend has said and so many other Honourable Members have said, that there is nobody who recognises any obligation to give a certificate or to give permission. The ticket collector says, go to the guard, the guard says go to somebody else, and so on. If this is the condition at present, what we are doing is really to get you over that difficulty.

Dr. P. N. Banerjee: To create further difficulties

Mr. Govind V. Deshmukh: I am prepared to meet all your arguments. What happens if this new provision is not there? You are not able to purchase a ticket at the booking office, or it may be you have reached the platform when the train is starting. You are unable to purchase the ticket, but you wish to get into the compartment and travel. There is nobody who has got any obligation under law to give you permission. The ticket collector may very well say, what is the obligation under which I am compelled to give you permission? He may refuse. There is no obligation on him.

Dr. P. N. Banerjee: When you use the word "may", there will be no obligation.

Mr. Govind V. Deshmukh: I am coming to that, but let us restrict ourselves now to this. You want this clause or not?

Dr. P. N. Banerjee: The original clause I want

Mr. Govind V. Deshmukh: I cannot understand this argument. How can the substitution by the word "shall" be an improvement on the state of affairs existing now when the clause does not exist there? Would that be an improvement on the condition of things as it prevails today? By deleting this clause, do you improve upon the present condition of things? If you cannot, then you have this clause. I say this, only if you have this clause, can it be improved to any extent, but if written permission you do not want, then say so. Either you want verbal permission or you do not want it. If you wish to have a sort of written permission and armed with that permission to enter a carriage and be saved from bother later, because you can say, here is a certificate granted to me—either you are in favour of a certificate like this, or you are satisfied with the present state of things. At present, according to your own story, nobody holds himself responsible. The guard says, go to the ticket collector, the ticket collector says, go to the guard, and so on. Do you wish to be satisfied with such a state of things?

Dr. P. N. Banerjee: You are confusing things

Mr. Govind V. Deshmukh: These are conflicting things and that is why we want to solve the difficulty

Dr. P. N. Banerjee: I said, confusing things. You are not solving the difficulty, you are adding to the difficulty

Mr. Govind V. Deshmukh: If it adds to the difficulty, then do not have the clause at all. Do not say that the word "shall" will improve the present state of things. If you are against written permission, how can the word "shall" improve the present condition of things? Either you are in favour of oral permission.

Dr. P. N. Banerjee: You are confusing the two things

Mr. Govind V. Deshmukh: Either be in favour of the clause as it is, which means that somebody may give permission or may not give permission, there is nobody who is responsible to give permission,—or be in favour of the clause which gives you a written permission, a written certificate to travel. I grant that this can be improved by substituting the word "shall", but I am in favour of a written certificate

Dr. P. N. Banerjee: If time does not permit?

Mr. Govind V. Deshmukh: If you have time to approach the guard or the person who is authorised to give the certificate, all that he has to do is this. They will have printed forms

(At this stage Dr P N Banerjee again interrupted)

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member (Dr Banerjee) should not go on interrupting the speaker like this.

Mr. Govind V. Deshmukh: I am making a suggestion. You go to the station, there is a minute or two before the train leaves, and the number of persons travelling without tickets and coming at the nick of time and approaching the guards is not very much, at the utmost it may be one or two, and even those cases are rare. Yesterday, Honourable Members were under the wrong impression—for instance, Sir Muhammad Yamin Khan said yesterday that he took twenty minutes to get a return ticket. That has got nothing to do with the present case. When we say that a passenger is to get permission from a person who is authorised to give it under this Act, that does not mean you go to booking office. It is said, 'We cannot purchase a ticket, we have not got the time to purchase a ticket, and what time is there to get a certificate?' Well, if the provision would have been that you have to go to the booking office to get a certificate from the person who issued a ticket, there would have been a difficulty but that is not so. The section contemplates persons who could be given power to issue this permission and such persons would be besides the persons who issue tickets and persons who would be on the platform near about the train which means station master, assistant station master, guard, collector and so on.

Dr. P. N. Banerjee: Add those words

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member should not be interrupted so often

Mr. Govind V. Deshmukh: I take it that this clause is acceptable, provided persons are mentioned in this. Under the rule-making power, this can be done, or, if you like, you should have had amendments on those lines. To say that the Select Committee of which I was a member has really committed such a blunder and made the Bill so obnoxious that new clause like this is unacceptable I cannot understand. So, let us come to this. A verbal permission or no permission, a section which gives you under law a facility to obtain written permission from an authorised person is of much greater value and I am supporting this particular clause in the Bill as it is, apart from what my colleague, Dr Sir Ziauddin, has said. Of course, so far as this demand of excess is concerned, I do not wish to co-relate that with this section. Section 98 by itself is a great advantage to the travelling public and I support the clause as it is, and I oppose the amendment.

The Honourable Sir Andrew Clow (Member for Railways and Communications) I find myself in a little difficulty here, having agreed to what was the desire of certain Members in the Select Committee who have now defended the clause—at least I think the last speaker was defending the clause—but I must say that I feel a certain amount of force in the arguments raised by Prof. Banerjee. The fact is that this clause was included in the original Bill but it was included there for an entirely different purpose. That Bill proposed to place the burden of proof on the passenger that he was travelling without intent to defraud and this clause was, therefore, included to give him a method of proving that he had not that intent. Sir Ziauddin fastened upon it and said that it would be an improvement here. We, on our part, see no great objection to it but there is a good deal in Prof. Banerjee's suggestion that it might conceivably prejudice the position of the passenger rather than help him. Prof.

Banerjea yesterday gave us some interesting experiences of his and from what he told us I gather that in none of the three cases that he mentioned had he ever been subjected to a penalty or even asked for a penalty. I think I can claim that our staff are on the whole reasonable with passengers who owing to exceptional circumstances find themselves in difficulties and they allow them to get on the train without enforcing the provision of a penalty.

Dr. P. N. Banerjea: Occasionally

The Honourable Sir Andrew Clow: It is intended only for that purpose—for occasional use. We could not agree to have it as the normal procedure.

I would point out that if the amendment to put in the word 'shall' without any qualification were adopted, the position would be greatly worsened, because if the guard or whoever is authorised were obliged to give a certificate, in many cases he would have to refuse permission. It would be impossible for him to give a certificate in time. There are times when large parties come in and owing to an unfortunate accident are not able to buy their tickets and they are occasionally allowed on the trains. It is not possible for the guard or any officials, who, after all, have other important duties in seeing that the trains run punctually, to issue certificates of this kind, specifying the nature of the permission. I thought that the last speaker was rather confused as regards the possible effects of the amendment. As I said I don't feel that I ought to go back on an arrangement agreed to in the Select Committee. Government, therefore, will remain neutral on this question and leave the question to be decided by the votes of the other Members of the House. I would add that this would necessitate consequential amendments in the first part. This would have to be moved at a later stage. I take it that it will be completed by the omission of the proviso which Prof. Banerjea is also moving at the end of clause 4.

Mr. M. S. Aney (Berar Non-Muhammadian) Sir, on reading this section carefully I find there is some distinction made here between two kinds of things. Some persons will be allowed to travel without tickets with permission and then in the case of some persons, the railway officer is also allowed to issue certificates. The advantage of having a certificate is indicated in a subsequent section—that he who shows the certificate will not have to pay excess charge. These are the three things which are connected together. I can understand cases such as those to which reference is made by the Honourable the Communications Member where it may not be possible to issue the certificates at all. Suppose a marriage party arrives at the eleventh hour at the station and the guard or the station master, whoever is the officer that may be empowered to issue certificates, may not be in a position to give certificates to all those persons and they will have to travel with permission.

Dr. P. N. Banerjea: Verbal permission.

Mr. M. S. Aney: So, in the first place it is necessary to retain the first clause that there should be an arrangement as it exists today that passengers who come late should be allowed to go with permission because we can imagine cases where it would not be physically possible for the

[Mr M S Aney]

officer empowered to issue the certificate at all. The question is whether it is necessary to have a clause with certificate at all. I do not think that the certificate will really give any very great advantage but I have no objection in retaining that clause provided it is 'may' there and not 'shall', because if it is 'may' it is possible that some persons can be allowed by him to go without certificates. If you put 'shall' then the first part of the section will have to be deleted completely. Secondly, the sub-clause also contemplates one more thing, that it will be only some officers who will be permitted to grant certificates and not all. Who those officers will be is not known to us. It may be that the kind of officer that shall be empowered to give certificates may not be available at the time and some other railway officer will be there on whose permission these persons will have to go. Therefore what I feel is this, that there is no harm in retaining the word "may" there and at the same time it will be necessary to add some more clause to this Bill which will require the Railway Administration to make the necessary rules in order to lay down the various officers who shall be empowered to give this permission and the conditions on which the permission or the certificate should be given. Secondly, what I want is this, that in the last section, clause 3 of the Select Committee's Report, where the provision has been made not to charge an excess charge from those who hold a certificate, I think that requires to be enlarged in my opinion. It ought to include the cases of persons who hold a certificate as well as those who have gone on a permission because the position will be the same, whether the man gets the certificate or not depends upon the time,—whether such officer was there at the time or not or whether such officer was available or not. On the other hand, the main condition that the man has not entered the train or has not remained on the train without the permission of the railway officer is fulfilled by him. Having fulfilled that essential condition, so far as the recovery of the excess charge is concerned, he should be entitled to the same concession which is extended under that clause to a man holding a certificate. If a necessary change is made there, I do not see any harm in retaining the word "may" or substituting the word "shall". That is the only suggestion I want to make, and until that change is made, I do not see that even if we put the word "shall" there, the position will be improved.

Mr. President (The Honourable Sir Abdur Rahim) The question is "That sub-clause (2) of clause 2 of the Bill be omitted".
The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) There is an amendment in the name of Mr Chattopadhyaya, of which he gave notice last evening, the Chair understands, to sub-clause (1) of clause 2. The Chair understands the Honourable Member wishes to move that amendment?

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division Non-Muhammadan Rural) Yes, Sir.

The Honourable Sir Andrew Clow: Sir, I must take exception to this, owing to want of notice.

Mr. President (The Honourable Sir Abdur Rahim) Then, the Honourable Member cannot move the amendment.

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muham-madn Rural) Sir, I move

"That in sub-clause (2) of clause 2 of the Bill, in the proposed sub-section (2), for the word 'may', occurring in line 2, the words 'shall ordinarily' be substituted"

Sir, this sub-clause (2), as was mentioned by my Leader, Mr Aney, is of dubious utility so far as passengers are concerned. It has been contended that the addition which has been made to this sub-clause by the Select Committee has been in the nature of a concession. But it has been pointed out that very many cases are imaginable when it may not be possible for *bona fide* passengers to have the necessary permission from the persons who are authorised by the Railway Administration to grant a permission or a certificate. Sir, in this connection I should like to draw the attention of my Honourable friend, the Railway Member, that on certain systems of Railway,—notably in the suburban sections of the E I R, the E B R, the B B & C I, and the G I P,—they have got a "stop start",—in other words the train steams into the station and as soon as it stops, it goes on starting again. This is particularly noticeable on the E B R in the section between Calcutta and Ranaghat, in the B B & C I suburban stations and in the G I P from Bombay to Kalyan. So also it is noticeable in the suburban sections on the S I R and the M and S M. What happens usually is this that passengers without tickets having to board these trains have very little time left over for meeting the guards or any other persons who may have the authorization of the Railway to grant the necessary permission. As I say, the system in all these places is one of 'stop start'. Therefore, by providing for the grant of a certificate, no real benefit is actually conferred on the passengers. Anyhow now that this section has come to stay, one has to see that the permission may not be ordinarily withheld by persons from whom permission is sought by passengers. It will be necessary to authorise a number of officials for granting the necessary permission. It will not do simply to authorise the guard, neither will it be sufficient if the travelling ticket checker is also authorised, but I believe the Administration will have to take into consideration the number of officers available on a railway train or at a station who may be authorised to grant such permission. This amendment will make it obligatory, on all persons so authorised, to grant permission so that *bona fide* passengers travelling without tickets with no intent to defraud the Railway may be protected and may not be mulcted in any penalties or damages. Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

(2) of clause 2 of the Bill, in the proposed sub-section (2), for the word 'may', occurring in line 2, the words 'shall ordinarily' be substituted."

The Honourable Sir Andrew Clow: Sir, I cannot accept the arguments based on this supposed "stop-start system". No such system is authorised on railways, but we are prepared to accept this amendment if it is generally acceptable to the House.

Mr. President (The Honourable Sir Abdur Rahim) The question is—

"That in sub-clause (2) of clause 2 of the Bill, in the proposed sub-section (2), for the word 'may', occurring in line 2, the words 'shall ordinarily' be substituted"

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) Then, there is another amendment to this clause notice of which was given this morning by Mr Amarendra Nath Chattopadhyaya, which has not been circulated to all the Members Is that so?

Mr. Amarendra Nath Chhattopadhyaya: It has not been circulated

Mr. President (The Honourable Sir Abdur Rahim) Then, it cannot be proceeded with The question is

"That clause 2, as amended, stand part of the Bill "

The motion was adopted

Clause 2, as amended, was added to the Bill

The Honourable Sir Andrew Clow: Some Members are anxious to consider a possible proposal in respect to clause 3 which will be acceptable to the House Although I have no great hope of reaching an agreement, and there is a possibility of shortening our debate If there is no objection, I would prefer to go on to clauses 4 and 5 which are not directly connected with clause 3

Mr. President (The Honourable Sir Abdur Rahim) That will perhaps suit the convenience of the House

(*Voices of "Yes, yes"*)

Then, we will go on to clause 4 The question is

"That clause 4 stand part of the Bill "

Pandit Lakshmi Kanta Matra: Sir, I beg to move

"That in sub-clause (a) of clause 4 of the Bill, in the first Proviso to the proposed sub-section (3) of section 113, for all the words occurring after the word 'incurred', in the sixth line, the words 'no excess charge shall be payable' be substituted "

Sir, in connection with my speech yesterday, I explained the position of this class of passengers and also at the time of his reply I interrupted my Honourable friend, the Railway Member, and stressed this very point which is sought to be covered by this amendment Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub-clause (a) of clause 4 of the Bill, in the first Proviso to the proposed sub-section (3) of section 113, for all the words occurring after the word 'incurred', in the sixth line, the words 'no excess charge shall be payable' be substituted "

The Honourable Sir Andrew Clow: Sir, I must oppose the amendment. I tried to explain yesterday the reasons why it would create an impossible position If everybody was of the utmost probity, I would not have any objection to it, but it obviously would leave enormously wide loopholes to the man who, while not—shall we say—greatly dishonest, feels he may as well take a chance He will get into the train and as soon as he sees that there was a possibility of tickets being checked at a ticket checking station or perhaps just before that, he will go up and inform the authorities that he was travelling without a ticket and had only got in at the last station, a fact which there is no means of checking We would really be putting a temptation in the way of lots of people who will not normally succumb to such a temptation but may just as well try their luck and see whether they can get away without a ticket

Dr. Sir Ziauddin Ahmad: Sir, I have got certain difficulties in this matter. I very much sympathise with the amendment but there are some practical difficulties in its working for which I have no solution in my mind. Suppose a ticket collector or a ticket examiner goes to the person and he charges him the excess fare. That is all right. But there is an additional thing which he has to charge. He has to charge the penalty. So, in order to exempt him from penalty, it is very desirable that some third party ought to certify that this notice was given to him and it was for this reason that it was provided that unless he informs some person beforehand, he cannot get off the penalty. It is quite possible that in the rules this thing may be mentioned. If the man could not inform the guard, who may be authorised to issue the memo that he has been travelling without a ticket, they may also authorise the head ticket collector to certify the same. If this fact could be mentioned on the excess charge ticket, then it may be taken as equivalent to a certificate granted by the guard. It is very desirable that we should not leave it to the ticket collector alone. There should be a certificate by a third authority and it was for this reason that this provision was made there.

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That in sub-clause (a) of clause 4 of the Bill, in the first proviso to the proposed subsection (3) of section 113, for all the words occurring after the word 'incurred', in the sixth line, the words 'no excess charge shall be payable' be substituted."

The motion was negatived.

Pandit Lakshmi Kanta Maitra: Sir, I beg to move

"That in sub-clause (a) of clause 4 of the Bill, in the first proviso to the proposed subsection (3) of section 113, for all the words after the words 'excess charge', occurring in the sixth line, the words 'may be two annas' be substituted."

Sir, failing to carry the first amendment, I think the next best would be this amendment. I do not want that a *bona fide* passenger who has failed to notify to any authorised railway servant the fact of his travelling without a ticket, not for any default of his own but for a variety of circumstances over which he may not have any control, should unnecessarily be harassed and subjected to pay the excess fare in addition to the ordinary legitimate fare payable by him. But as my Honourable friend, Sir Andrew Clow, seems to think that it will be giving a sort of unwarranted latitude to people of questionable probity, who may take the chance of travelling without ticket and may not be detected,—a proposition which I do not accept,—I think he would be amenable at least to charge such a man only two annas as the excess charge over and above the amount of charge incurred by him for the journey. That is quite fair and reasonable. The Railway is not losing anything. The mere fact that the *bona fide* passenger unable to purchase a ticket could not inform the railway officer in the running train before he actually came to be detected by the railway servant does not necessarily prove that the man was trying to evade detection or payment of fare. Very many cases may happen when there is absolutely no dishonest intention. I, therefore, suggest that to give benefit of doubt to all classes of people and at the same time to give the railway some additional revenue, the excess fare that shall be charged from such a passenger should be only two annas in addition to the ordinary charges to which he may be liable.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub clause (a) of clause 4 of the Bill, in the first proviso to the proposed sub section (3) of section 113, for all the words after the words 'excess charge', occurring in the sixth line, the words 'may be two annas' be substituted"

The Honourable Sir Andrew Clow: Sir, I would point out that this provision really does not alter the principle in the original Act. The real effect of the amendment would be to place the first class passenger on the same level as the third class passenger. At present we have provided one-sixth of the excess charge otherwise payable or two annas whichever is greater. That one-sixth will enable a third class passenger to travel about 40 miles before he gets over the two annas limit.

Pandit Lakshmi Kanta Maitra: But he will be charged with normal fare for the distance he is travelling. This is the additional amount.

The Honourable Sir Andrew Clow: If the Honourable Member reads the proviso, he will find

"the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater"

So that a third class passenger can travel a long distance before he exceeds the two annas limit, but a first class passenger cannot. Of course, in his case, the amount he will have to contribute will be considerably greater in the ordinary case.

Pandit Lakshmi Kanta Maitra: I do not know how the Honourable Member calculates. I cannot follow his trend of arguments.

The Honourable Sir Andrew Clow: I am sorry if I cannot help the Honourable Member. The clause says "the excess charge shall be one-sixth of the excess charge otherwise payable calculated to the nearest anna, or two annas, whichever is greater".

Pandit Lakshmi Kanta Maitra: That is what you are proposing.

The Honourable Sir Andrew Clow: I am saying that under that, one-sixth will amount in the case of the third class passenger to more than two annas, only, if he has travelled about 40 miles so that the real effect of this amendment would be to put all passengers on the same level. We do not want to encourage this system. At some later stage, after travelling some 40 miles the passenger will say, please charge me with excess. This costs us a certain amount of trouble and I do not myself see why the higher class passenger should not pay more proportionately than the third class passenger. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That in sub clause (a) of clause 4 of the Bill, in the first proviso to the proposed sub section (3) of section 113, for all the words after the words 'excess charge', occurring in the sixth line, the words 'may be two annas' be substituted"

The motion was negatived.

Dr. P. N. Banerjee: Sir, I beg to move.

"That in sub clause (a) of clause 4 of the Bill, the second proviso to the proposed sub-section (3) of section 113 be omitted"

Sir, my Honourable friend, the Honourable the Railway Member, pointed out that if the sub-clause in clause 2 is retained, then this sub-clause would be needed, but the Leader of my Party, Mr Aney, said that in that case there might be some change in the sub-clause. If that is agreeable to the Honourable Member for Communications, I will withdraw this amendment and the change may be made in these words "In clause 4, second proviso, for the words with him, the words obtained verbal permission or possesses be substituted"

The Honourable Sir Andrew Clow: I am not prepared to accept that

Mr. President (The Honourable Sir Abdur Rahim) Does the Honourable Member wish to press his amendment

Dr. P. N. Banerjea: When Mr Aney suggested, I think the Honourable Member for Railways was agreeable

The Honourable Sir Andrew Clow: I have never spoken on this

Mr. President (The Honourable Sir Abdur Rahim) Does the Honourable Member move his amendment?

Dr. P. N. Banerjea: I have already moved the amendment *

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub clause (a) of clause 4 of the Bill, the second proviso to the proposed sub-section (3) of section 113 be omitted"

The Honourable Sir Andrew Clow: This is on the same point as the previous amendment of Dr Banerjea and I am prepared to leave it to the vote of the House

Mr. M. S. Aney: Sir, I was a little bit surprised and disappointed with the remarks of the Honourable Member for Communications on this point. The suggestion that I made was in my opinion perfectly logical and equitable. (Interruption) I always believed that the Honourable Sir Andrew Clow looked at things from an equitable point of view. Sir, we cannot read clause 4 of the Bill without knowing what clause 2 is. In clause 2 we have done this. We have allowed certain classes of passengers to travel with permission of railway servants and in the case of certain passengers, we have also made a provision that they should be enabled to get a certificate. Now, Sir, the certificate is only a kind of proof in the hands of the passenger given by the officer empowered to issue that certificate to the effect that he has asked permission of the Railway officer and occupied the train. A certificate means nothing more than that. But by keeping both the clauses in sub-clauses (1) and (2) the Honourable Member for Railways himself concedes the position that we have to allow persons merely to go on verbal permission also. He contemplates the possibility of persons required to travel and yet no possibility of a certificate being given to them for doing so. That thing is conceded by him. If that is conceded and persons have gone on permission, I really do not know why those persons who have gone on verbal permission should be singled out from those persons who hold a certificate because they happen to meet an

[Mr M S Aney]

officer who is empowered to give a certificate at the time when they boarded the train. If there was no officer who could issue the certificate at that time, it was not the fault of the passenger. It is because the Railway authorities have not got sufficient arrangement to keep the required number of officers present on the station premises. I therefore submit that it was the duty of the Honourable Member in charge of the Bill when he allowed the last proviso to this section 4, to have both kinds of passengers—those who travel with verbal permission and those who travel with certificates in their hands. For the purpose of exemption from excess charge, both classes of persons are on the same footing. From that point of view it seems to me to be eminently reasonable that the suggestion I made should be accepted. I suggested that the necessary amendment should be made to this proviso to bring about equitable results. But the Honourable Member for Railways thinks that he should not do anything more than what is already in the proviso. We are making the proviso an unreasonable one. At the same time I do not want to oppose this proviso for this reason that the concession given to persons who hold a certificate will also be taken away. I do not want to be guilty of that. I am surprised that the Honourable Member does not see the inequity of the position he has taken. That is what strikes me as unusual in him.

Dr. Sir Ziauddin Ahmad: Sir, I have great sympathy with the object of the Honourable the Mover of this amendment. Suppose a person came in a *bona fide* manner and he could not purchase a ticket and he informs the guard of that or he informs any other authority on the railway premises who may be appointed in this behalf. There is no time for him to purchase a ticket because the train will not wait or because the number of passengers approaching that authority may be too large to issue the certificate. Then, what happens? In that case, if the railway authority says verbally, "all right, I will give the certificate later on at the next station" or if the head ticket collector who happens to be there says, "you get into the train, we shall see at the next station", then I suggest this verbal permission should be deemed to be equivalent to issuing a certificate. That is the real object which the Honourable the Mover has in mind with which I am sure even the Honourable Members on the Treasury Benches will have great sympathy. But I am afraid the object which the Honourable the Mover of the amendment has is not achieved by this amendment, because if we delete the second proviso to sub-clause (3)

Dr. P. N. Banerjee: I had no time to give notice of further amendment. I have made the suggestion to the Honourable Member for Railways and he can suitably alter that.

Dr. Sir Ziauddin Ahmad: It is a fact that his object is not achieved by this amendment.

Mr. President (The Honourable Sir Abdur Rahim) What is under consideration now is the amendment moved by Dr. Banerjee.

Dr. Sir Ziauddin Ahmad: I have great sympathy with the object, but this is not achieved by the amendment. If anything, he has worsened the

position by this amendment. If you omit the second proviso altogether, then the original sub-clause remains. If this is deleted the original clause remains, namely

"Where the passenger has immediately after incurring the charge and before being detected" etc "the excess charge will be one rupee, eight annas and two annas"

This will make the position very much worse. So this amendment is really doing an injustice to *bona fide* passengers. I understand the Bill as drafted does not go far enough and the amendment which Dr. Banerjee had in mind may be introduced. But the present amendment does not achieve the object and makes the position difficult because under the original clause even if you give information the penalty will be one rupee, eight annas and two annas.

Qazi Muhammad Ahmad Kazmi (Meerut Division, Muhammadan Rural). Sir, with regard to this particular amendment, so far as I can see, this clause will not at all be of any use to the public in actual practice. The reason is that whatever may be the intention of the Legislature, in actual practice, it is found to be different. By making this proviso, it appears that there will be two separate persons, one being the servant on duty with the train, and another who will grant the certificate. The first proviso says

"Provided that where the passenger has immediately after incurring the charge and before being detected by a railway servant notified to the railway servant on duty with the train the fact of the charge having been incurred", etc

It appears that probably this gentleman, the servant on duty with the train, shall not have the authority to give the certificate. There is another person who can give the certificate, and if we can get hold of this gentleman, we can avoid the penalty. My submission is that, as a matter of practice, neither of these two gentlemen will be available. So far as I know, the gentlemen who are actually working as travelling ticket examiners or guards have got other duties to attend to rather than give certificates. I can here give my own experience. I was once coming from Bombay and had a ticket only up to Muttra, and I wanted to get it extended up to Delhi. I started my attempts in this direction from Jhansi where I went out of the train and tried to find out any gentleman who could give me an extended ticket from Muttra to Delhi. I got hold of the travelling ticket examiner and he said he could not give me an extension unless I reached Muttra, and I should get a certificate from the guard. I went up to the guard and asked him for a certificate that I should be allowed to travel from Muttra to Delhi. He said that it was yet too early to ask for a certificate from him, and I must see him at Agra. I said it would be about 2 o'clock in the morning. Anyway, I got up at Agra and tried to get a certificate from the guard. He said it was still early, with the result that I decided that whatever might be the penalty I would pay afterwards rather than keep awake the whole night. So I slept on in my compartment and did not worry about the guard any more. I came up to Delhi and at the gate I found that the ticket collector was fighting with some passenger, and thinking that it would cause all the more delay, I simply slipped out, because I knew definitely that I would have to spend at least two hours more before I could get a certificate and prove myself an honest man. I have absolutely no hesitation in making this admission before the House only to show how people who really want to pay have,

[Qazi Muhammad Ahmad Kazmi]

on account of the system of administration, got to travel without a ticket. What are the other members of the staff doing? They are interested only in those persons from whom they can have some penalty or who may put some thing in their pockets. The *bona fide* passenger who really wants an extended ticket is not treated with half that attention with which a person who is travelling without ticket or who wants to defraud the railway is treated. So I submit that all these regulations will be only on paper and the railway staff will be interested more in people whom they can harass rather than in honest people. For this reason I say that the deletion of this clause adds nothing and takes away nothing. The word "shall" will be there, and the word "may" will be there. I am absolutely indifferent as to what word remains there, and I say that by keeping this clause you unnecessarily impose two different duties on two different railway servants, while, as a matter of fact, there will be no railway servant with any duty at all. Therefore, it is an unnecessary and superfluous clause, and I oppose it.

The President (The Honourable Sir Abdur Rahim) The question is

"That in sub-clause (a) of clause 4 of the Bill, the second proviso to the proposed sub-section (3) of section 113 be omitted."

The motion was negatived.

Pandit Lakshmi Kanta Maatra: Sir, I move

"That sub-clause (b) of clause 4 of the Bill be omitted."

This sub-clause deals with the procedure of recovery of any demand that a railway officer may make through a magistrate. I devoted a considerable portion of my speech yesterday to this particular provision and I need not repeat those arguments now. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That sub-clause (b) of clause 4 of the Bill be omitted."

The Honourable Sir Andrew Olow: Sir, I oppose this amendment. The greater part of the clause merely reproduces what is in the existing Act. The new element introduced is the provision making it clear that if the penalty which is recoverable as a fine cannot be recovered, imprisonment can be imposed in default. That was the view formerly taken by at least one High Court in India. But the recent rulings, as I explained in an earlier speech, have been of a contrary opinion. The view taken is that although the money is recoverable as a fine, and the law provides that, it cannot be treated as a fine in respect of imposing imprisonment in default. It is to remedy that defect that this amendment has been put in the Bill.

Mr. President (The Honourable Sir Abdur Rahim) The question is .

"That sub-clause (b) of clause 4 of the Bill be omitted."

The motion was negatived.

Pandit Lakshmi Kanta Maatra: Sir, I move

"That in sub-clause (b) of clause 4 of the Bill, after the words 'railway servant' the words 'who is not a ticket collector or a ticket inspector and who is not below the rank of a station master', be inserted."

The amendment speaks for itself. The clause as it is gives any railway servant appointed by the railway administration in this behalf power to approach any magistrate with respect to any demand against a passenger who may have travelled without a ticket. I want to curtail this power of giving a blank cheque to any railway employee in this respect. It might well be that the power may be given to a man of very inferior position in the railway service. I wish it to be laid down that if this new provision is to stand there should be some qualifications in the railway servant who will be entitled to approach a magistrate with the demand contemplated in this sub-clause. I suggest that such a person shall not be a ticket collector or ticket checker or supervisor, because to all intents and purposes he will be an interested person. I think many Members of this House know that in many railway administrations the work of travelling ticket checkers is periodically supervised by higher authorities as to their efficiency and the only test applied is the number of people got hold of by them in their work. So a spirit of competition goes on between ticket collectors in getting victims. This fact cannot be gainsaid and very often a particular travelling ticket checker is asked to explain why it is that he has been able to get only half a dozen cases in a month while another of his confreres has been able to get a dozen cases. The fact that a particular ticket checker cannot bring in more cases and incidentally more revenue to the Railway is definitely set down against his efficiency. From that point of view I think it would be extremely unsafe to allow a travelling ticket inspector or checker to have anything to do with this business of charging men and getting the charge realised through the machinery of a magistrate. I, therefore, suggest, that if such a power is to be given at all, it must be given to an officer holding some responsible position in the railway service and in this amendment I suggest the class of persons who may be authorised to exercise this power. Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub clause (b) of clause 4 of the Bill, after the words 'railway servant' the words 'who is not a ticket collector or a ticket inspector and who is not below the rank of a station master', be inserted."

The Honourable Sir Andrew Clow: Sir, I fail to find in my Honourable friend's speech any real argument for this change. The humblest person in the land can apply to a magistrate if he feels that he has been wronged or those whom he represents have been wronged. The decision does not rest with that person at all. The decision rests with the magistrate, and I am perfectly willing, later on, to accept the amendment standing in the name of Mr. Essak Sait which will make that clear. All that the clause gives is power to this officer, whoever he is, to approach the magistrate and put his case before him, and I cannot see that there is any danger involved in that, provided the decision rests with the magistrate himself. Obviously the person who ought to apply normally is the person within whose knowledge the facts lie. My Honourable friend said that certain people will be interested. I hope that every railway servant will be interested in recovering penalties from those who travel without tickets.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa Muhammadan) Sir, I do not want to make any long speech and I just want to support the amendment and impress on the Honourable Member the fact that he should know that the checking staff who are normally

[Mr Muhammad Nauman]

ignorant would not be able to interpret the legislation which we may pass here and, therefore, we want that the responsibility should be given to such of the Railway employees who can really see to the circumstances in which the crime has been committed. The Honourable Member for Railways has explained that the humblest man in the street can go to a magistrate if any offence has been committed either on him or on any one whom he may represent, and he said why should not that power be given to any railway employee. I am afraid the analogy is not at all correct. If a man has been killed, the humblest man can certainly go to a magistrate because the regular service of the police is there and regular investigation will follow before prosecution is completed. Here, the magistrate sits with no police enquiry or help for any investigation; he has to decide the case as presented by that railway employee. If all Railway complaints have had to undergo a regular course of inquiry by the administration of the Government of India or a Provincial Government then things would be different. That is why we want that only responsible men on the railway staff should be given this authority of being a complainant and a party both. Probably the Honourable Member does not know that many of the Railway employees in the ticket checking staff do not know the alphabet of law and cannot interpret the same rightly. Only last September, when I was travelling from Delhi to Lucknow in a first class compartment I had a ticket for Patna Junction (Return Half) and I wanted to travel via Lucknow. You will be surprised to hear that before I reached Lucknow there were ten T. T. Is trying to calculate the excess charge; one batch calculated the amount at Rs. 6, another at Rs. 1-8-0 and a third batch said it amounted to Rs. 8. At last they decided that I ought to pay about Rs. 1-8-0 and I paid that amount after 2 hours discussion. That is the calibre of the checking staff, and I ask the Government whether can this be in the interests of the administration to entrust such powers to that class of staff without putting some restriction or prescribing some qualifications for those who will interpret and give effect to this law? That is the point of view held on this side of the House and set out in the amendment. With these few words I support the amendment.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions, Non-Muhammadian Rural). Sir, I support this amendment. I am afraid the Honourable the Railway Member has altogether overlooked the actual words of this clause. It is certainly open to the meanest man to make a complaint to the magistrate. At the same time it is not open to the meanest man, or for the matter of that, to a man of higher status, to approach a magistrate only to dictate the order he desires to be passed. The section as it is worded wants this to be done; the magistrate's function is merely to register the decree made by the railway servant.

The Honourable Sir Andrew Clow: I thought I had made it clear that I was willing to accept the amendment standing in the name of Mr. Essak Sait, later on in the list, which would make it clear that that was not the magistrate's function, and that he had to be satisfied on the facts.

Mr. Akhil Chandra Datta: In that case I have nothing more to say.

Dr. Sir Ziauddin Ahmad: Sir, there is one point which I would like to make clear, that in this particular case the claimant is the railway administration it is not the ticket collector and it is really a question of their convenience whom the railway administration appoints to claim on its behalf. I think it is very desirable in the interests of the administration themselves that they appoint somebody else to claim on their behalf for the recovery of this money, because the ticket collector will be a witness. Whenever the magistrate wishes to satisfy himself, then he might like to examine the ticket collector who will be the witness, and I think all Honourable Members here who are lawyers know that a claimant and witness should be two different persons. So I thought that it would be convenient for the Administration to say that the person claiming the money must be different from the person from whom money has to be recovered.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions) **Muhammadan Itural** Sir, since the Honourable Member in charge has already agreed to yield on this point when the next amendment of Mr. Essak Sait comes up, I would suggest that this discussion might stand over till that amendment comes up. Otherwise, as it is, you do not make any distinction between an organized body as the Railway Administration is, and the public at large, because you say that any one from among the public can put in a complaint or give information to the police officer,—but there is no administration or organization there, there is only the public at large. Here the railway staff is concerned, and the complaint can be made either to the station master or the Superintendent of the Railway, and it will be for these people to inform the magistrate. It is well known to all of us that if an offence is committed, then the complaint is made to the highest authority. In this case you make both the claimant and the applicant the same person, and on the evidence of that single person the magistrate will have to give a decision. How is it possible for a complainant, if he is travelling to several stations, to accumulate all the evidence and collect witnesses in all separate cases? I submit, Sir, it will be very difficult for him to do all that. My submission is that this is a hard and fast rule and should not be enforced. Since you have an organization, where is the difficulty to make the complaint to the highest authority. Everybody knows that any man on the platform can come forward and claim to be an applicant. Of course, it will yield some revenue to the Railway Administration, because it is said here that the sum recovered will go to the coffers of the railways. My point is that the person should inform some responsible authority at some big railway station, otherwise the railway staff itself will be brought to very great difficulty. Therefore, I support this amendment.

Mr. M. S. Aney: Sir, if this section is read carefully, I feel it requires some explanation on the part of the Honourable the Communications Member so as to make it properly understood by many of us. The section reads thus, to which my friend, Pandit Lakshmi Kanta Mahtta, has given an amendment "Any railway servant appointed . . .", and the amendment that is suggested is that the officer who is to be appointed should be of a particular rank and should not be below the rank of a station master and so on. It is clear from the wording of the clause itself that the railway authority have a certain class of servants in their mind

[Mr M S Aney]

whom they want to appoint for this purpose. When this clause was moved, at least when this amendment was moved, I think it was up to the Communications Member to get up and say what is the class of servants whom he wants to appoint. This is evidently indicated in the clause itself. Instead of making that position clear as to the status or position of the person who is going to be appointed, he only said that anybody in the world was entitled to put in a complaint. From that reply it is clear that their appointment might cover any class of railway servant, and not necessarily a responsible railway servant at all. The position is this. As a matter of fact, Honourable Members know that even in police cases they have a regular prosecuting Inspector of the rank of a Sub-Inspector appointed, who generally puts in complaints of a certain class of cases, and anybody or any police constable, even though he is entitled to arrest a person for cognisable offences, is not entitled to take the chalan in the court. There is some specially appointed officer duly authorised to do that work and he is generally an officer not below the rank of a Sub-Inspector. So far as I know, even in the Railways, when cases are chalaned, there are certain responsible officers who file complaints. We want to know whether in dealing with this particular class of offences the Railways are going to entrust that work to some responsible officers or not, and if so, who is that class of responsible officer who is going to be entrusted with this prosecution? I think the reply given by the Honourable the Communications Member had given greater suspicion rather than satisfaction on this side of the House. It may not be that the precise amendment may be accepted, but if a satisfactory explanation is forthcoming, it will then be for us to consider whether the amendment should be pressed or not.

Maulvi Muhammad Abdul Ghani (Tirhut Division Muhammadan) Sir, the amendment is only explanatory to the provision of the Bill. It does not seek anything more than what is the present practice. The present practice is that whenever a person is travelling without a ticket, if he is detected and does not pay his fare, he is handed over to the Station Master, or if anybody gives out his name he is reported to the Station Master who submits reports. The amendment here also makes the same demand. Nothing more. As regards the analogy of a private person making a complaint to a magistrate, I say that if a person making a complaint to a magistrate is found to be making it falsely he is liable to prosecution either under section 182 or 211 of the Indian Penal Code, but here the case is quite the reverse, because the person who gives the information does so under a certain law. He gets the benefit and protection of the law. With these words, I support the amendment.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) Sir, I wish to say a few words in connection with this matter, because a legal point is involved in this. We have not been told which will be the railway servant who will be appointed by the railway administration in this behalf to go to the magistrate and ask for his interference in the matter. Perhaps he may have to make a judicial enquiry. He shall have to take evidence and find out also whether the complaint that was made before him was true and that the persons who were dragged before him were rightly dragged or not. If he finds that the complaint is false, the question will

arise whether he can award compensation under section 250 of the Criminal Procedure Code, or give sanction for his prosecution under section 211 for making a false complaint

Mr. Akhil Chandra Datta: What is the point of law involved?

Mr. Lalchand Navarai: That is the point of law, he cannot do that. We know that in many cases, when complaints are made and information is sent to the court through a particular man who is only a tool in the hands of those people who send him or who is not responsible, no compensation under section 250 can be imposed and also the man cannot be prosecuted. If the ticket collector or the station master does not himself go but sends only a porter to lodge the complaint or give information to the magistrate, do you think that the magistrate will be justified, according to law, if he finds that the case is false or that the men have been dragged in for nothing and in a vexatious manner—should he impose a fine on such a person? He will not! Therefore, I submit that it is only just and reasonable that authority should be given to some responsible person who should, first of all, find out for himself whether the person whom he is taking is really liable to pay the penalty or not. You are making it a fine, you are making it more or less as an offence and then you are giving powers that any railway servant can go and file a complaint. The magistrate may find that there is no case for the complaint and there will be no remedy for the accused. Therefore, I submit that it will be better to accept the amendment to the extent that a ticket collector or the station master or some such person should be substituted.

Mr. J. H. F. Raper (Government of India Nominated Official) Sir, I would like to point out that there is really no change in the wording under this Bill on this particular point. It has been in force in the Indian Railways Act since 1890 and I may just read it

“... the sum payable by him shall, on application made to any Magistrate by any railway servant appointed by the railway administration in this behalf. . . .”

Those words are repeated here, and there is no intention to change the procedure that has been in force for many years. We know that in actual practice the ticket collector who may find a passenger without a ticket against whom he feels it necessary to take action under section 113 will report the case to the station master and receive instructions from him. Very little power is actually vested in ticket collectors. Some railways have rules that do not permit ticket collectors even to collect excess fares from passengers, they have to refer them either to a booking clerk or some higher authority.

An Honourable Member: Speak up, please.

Mr. J. H. F. Raper: Then, mention was made that it was not fair that the complainant should be a witness. That is a perfectly normal procedure. The complainant may be the chief witness. No single instance has been mentioned by Honourable Members of any abuse or difficulty under the present procedure.

Pandit Lakshmi Kanta Maitra: Does the Honourable Member say that he does not appear before the magistrate as a complainant according to his view?

Mr. J. H. F. Raper: He would be the complainant, he would be entitled to appear, and in fact, he must appear if the magistrate desires him to do so

Pandit Lakshmi Kanta Maitra: It is obligatory on him to appear before the Court if he makes the complaint

Mr. J. H. F. Raper: There is no change on this point whatsoever in the Bill now before the House and there is no necessity for this amendment in consequence

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That in sub clause (b) of clause 4 of the Bill, after the words 'railway servant' the words 'who is not a ticket collector or a ticket inspector and who is not below the rank of a station master', be inserted"

The motion was negatived

The Assembly then adjourned for Lunch till Half Past Two of the Clock

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair

Pandit Lakshmi Kanta Maitra: Sir, I beg to move

"That in sub-clause (b) of clause 4 of the Bill, for the words 'any Magistrate' the words 'any Magistrate of the first class' be substituted"

By a previous amendment I sought to restrict the power of making complaint to the magistrate to a certain class of railway officials only. I wanted to prescribe the particular status of the class of railway servants who would be entitled to approach a magistrate for recovery of dues from a person found travelling without ticket. By this amendment I seek to prescribe also the status of the magistrate who is going to act under this section. Sir, in connection with the general discussion on the clauses several Honourable Members pointed out to the House that such a power should not be vested in any and every magistrate. We have for instance the broad classification of honorary and stipendiary magistrates and speaking for myself I generally do not have a very high opinion of that institution of honorary magistrates in this land. I do not say that there may not be decent and really honest and capable officers in that category but their number is few and far between. We have to consider in connection with this fact that magistrates may be in receipt of certain favour or concessions at the hands of railways on behalf of which they are asked to act. We have heard that these railway magistrates are given free passes which is nothing but a form of tip and gloss it how you will, you cannot get out of the ugly fact that it is a form of bribery which is not allowed to stipendiary magistrates either by law or by convention. When a prospect of free travel in railway systems is dangling before their eyes, knowing human nature as I do, it will be extremely difficult for these magistrates to take an unbiased view of the cases that may be placed before them. I have, therefore, thought that while it is not possible to completely eliminate the chances of corruption in that respect we may be going perhaps one step forward in reducing the vice to some extent if we seek to confer such power on the magistrates of the highest class who may be presumed to be above these petty temptations.

Mr. Lalchand Navalrai: Even though honorary?

Pandit Lakshmi Kanta Maitra: I quite see that point as well but circumstances as we are we have to put up with that evil. As I have told you just now I am no admirer of that institution. Whether he is a magistrate of the first class or of the second class does not matter to me. Though they are called honorary, they do not in fact remain honorary, for they receive payments in kind, very often in lieu of monthly salary or stipend. So, I move that this power should be given only to the first class magistrates. I know that it may be argued that we are going a step in advance of the existing provisions contained in the Railways Act of 1890. Section 133 prescribes the classes of magistrates that will have jurisdiction under the Railways Act of 1890. There it has been provided that no magistrate other than a Presidency Magistrate or a magistrate whose powers are not less than those of a Magistrate of the Second Class shall try any offence under this Act. I am one of those who do not believe that whatever is contained in the Railways Act of 1890 is sacrosanct or that it should not be interfered with by the legislators even when an amending Bill is brought in. But having got this new provision which is rather identical with the existing one relating to the question of the jurisdiction of magistrates, I think this question of their status must be clearly settled. It will be clear to every Honourable Member that the Presidency Magistrate generally holds very high rank and his powers are far more than that of ordinary magistrates but from this there is an abrupt jump downwards to the magistrate of the second class. Under the provisions of section 133, any Presidency Magistrate of whatever class will be entitled to try such cases. But now that the law is going to be made more stringent, I propose that such power shall only be conferred on first class magistrates and not on magistrates of any other class. I want to secure this safeguard to the public by my amendment. I am sorry that the other amendment which I proposed about the status of the complainant has been defeated. Having failed in that, I am moving this amendment to raise the status of the rank of magistrates who will be vested with these powers. Sir, I move

Mr. Deputy President (Mr. Akhil Chandra Datta) Amendment moved

"That in sub clause (b) of clause 4 of the Bill, for the words 'any Magistrate' the words 'any Magistrate of the first class' be substituted"

The Honourable Sir Andrew Clow: Sir, the mover of this amendment has just referred to section 133 of the Railways Act, which provides that "no Magistrate other than a Presidency Magistrate or a magistrate whose powers are not less than those of a magistrate of the second class shall try any offence under this Act." Here we are dealing with something which is technically not an offence, and I fail to find anything in the arguments of the Honourable Member to convince me why in this case we should demand a higher standard of magistrate than is provided under section 133.

Pandit Lakshmi Kanta Maitra: That is all the more reason, because in a judicial trial we have got many safeguards?

Mr. Lalchand Navalrai: Because you are providing so much imprisonment?

The Honourable Sir Andrew Clow: We are not providing imprisonment under this section except in the case of default. Under section 112 the provisions of section 133 apply. Actually of course this reference to any magistrate has stood in the Act for fifty years without, so far as I know, any grave harm being occasioned thereby.

Pandit Lakshmi Kanta Maitra: Then why amend it, if it embodies the height of human wisdom?

The Honourable Sir Andrew Clow: I do not think it is the height of human wisdom, I also agree with Pandit Lakshmi Kanta Maitra, but we have to amend these Acts from time to time. In fact that is what we are trying to do so at the moment, but I do not see any reason for going higher than a magistrate of the second class. There is another amendment standing in the name of Mr. Essak Sait to that effect and that strikes me as a more reasonable proposition. I oppose this motion.

Dr. Sir Ziauddin Ahmad: Sir, there is one point I would like to know. In all the offences mentioned in this Act a person has got a right to be represented by a vakil or a pleader. I should like to know whether in this particular case whenever a matter comes up before a magistrate demanding that the fine should be paid and supposing the man has some objections, can he there be represented by a pleader in this case? If he can be represented by a pleader as in other cases, then of course there can be no justification for any change in the requirements of the standard of magistrates, but if in these cases the client has not got any right to be represented by a pleader, then I think it is but just and right that we should demand a higher standard in magistrates.

An Honourable Member: Why should not a pleader be allowed?

Mr. Laichand Navalrai: There is no prohibition.

Mr. Deputy President (Mr. Akhul Chandra Datta): The question is "That in sub-clause (b) of clause 4 of the Bill, for the words 'any Magistrate' the words 'any Magistrate of the first class' be substituted." The motion was negatived.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris Muhamadan): Sir, I move

"That in sub-clause (b) of clause 4 of the Bill, for the words 'any Magistrate' the words 'any Magistrate of the first or second class' be substituted."

Sir, the meaning of my amendment is obvious. My friend Mr. Maitra has laboured the point sufficiently elaborately and I do not think I need make any speech about it. The idea is to keep out all magistrates below the rank of second class magistrate and to restrict this power only to magistrates holding first or second class power. Incidentally, I may say that my amendment is bringing this clause into line with section 138 with which my friend Pandit Maitra is so much in love. Even though, Sir, that has nothing to do with this.

Pandit Lakshmi Kanta Maitra: I was never in love with anything in my life.

Mr. H. A. Sathar H. Essak Sait: However, Sir, I move

Mr. Deputy President (Mr Akhil Chandra Datta) Amendment moved
 "That in sub clause (b) of clause 4 of the Bill for the words 'any Magistrate' the words 'any Magistrate of the first or second class' be substituted "

The Honourable Sir Andrew Clow: Sir, I am prepared to accept this amendment

Mr. Deputy President (Mr Akhil Chandra Datta) The question is
 "That in sub clause (b) of clause 4 of the Bill for the words 'any Magistrate' the words 'any Magistrate of the first or second class' be substituted "

The motion was adopted

Pandit Lakshmi Kanta Maitra: Sir, I move
 "That in sub clause (b) of clause 4 of the Bill, the words 'as if it were a fine' be omitted "

Sir, this amendment is in line with the principle which I have laid down for myself in connection with this Bill

An Honourable Member: What is that principle?

Pandit Lakshmi Kanta Maitra: Well, I am surprised that at this stage my friend asks, "what is the principle" The principle, broadly speaking, is this, that the Indian Railways are a system of monopolistic concern to which it is not proper to give any greater privileges than those enjoyed by other alternative systems of transport We have already given it enough protection, we have given it enough latitude to carry on the administration in any way it likes I believe that the granting of further privileges will be putting a further premium on its inefficiency The very fact that it is desired or designed to place it on a level with a fine which may be imposed by a competent court of a magistrate gives it an entirely different colour Those who are in the legal profession know very well that by the addition of these words, "shall be treated as a fine", enormous powers are sought to be transferred For instance, if the fine is not paid, a distress warrant may be issued The magistrate can realize the fine by a distress warrant The House will have to consider that proposition Failing recovery of the money by a process of distraint, there has already been a provision for sentencing him to imprisonment up to one month I do not think that we should be justified in giving this drastic power Sir, I move

Mr. Deputy President (Mr Akhil Chandra Datta) Amendment moved

"That in sub-clause (b) of clause 4 of the Bill, the words 'as if it were a fine' be omitted "

Mr. Lalchand Navalrai: Sir, I want to support this amendment, as we find that what is now being attempted is to make the penalty to be construed as a fine This clause has reference to section 113 of the Railways Act and not 112, where it is laid down that whoever enters any carriage in contravention of section 68 or travels fraudulently, then he would come under section 112. One can understand that where there is an element of fraud, you might consider it to be an offence. With regard to any punishment that is imposed, if the man has to pay any amount that would

[Mr Lalchand Navalrai]

be considered to be a fine then the fine refers to no offence, but if through inadvertence or through a chance travelling he has to pay a penalty, that may at the most be said to be an infraction of a certain rule and that cannot be considered to be an offence. This clause has reference to section 113 in respect of which he incurs a penalty. He may pay up the penalty but the offence is still on him. It is quite a common thing that a man catches the train at the nick of time and he gets in. If he has to pay a penalty, you say that he has been convicted because he committed an offence. This will be only twisting the penalty into fine. It is said that the Railway Member wants to get the sanction of the Legislature to put the interpretation on the word 'penalty' and call it a fine. As I said, if it is a penalty, then it will be a misnomer to call it a fine and bring it in a clause and give power to the Magistrate to order him to pay that fine. If he does not pay the fine, then he should issue a warrant against his property and he can also send him to prison. Formerly, penalty was being recovered departmentally. Now, they want to give power to the court and they want to consider it as an offence and to get him punished with imprisonment in default of payment of fine. The reason that is given in support of this is, that the majority of High Courts have decided that penalty is fine. The Legislature can change that. Anything can be done but it should be reasonable, it should be judicial and it should be considered to be fair. Because the Railways consider that there is some difficulty to recover the penalty, they should not come to the House and ask us to treat it as an offence especially when it is decided that it is not an offence. There is a judicial pronouncement that it is not. Finding the House to be what it is, there being no support from the Opposition Benches to our side, their Benches are all vacant and they are yawning at us they have thought it fit to ask for these powers. This is a legal question. It is a question of a very important nature. In future, whatever may be the nature of the case, they may say that it may be recovered as a penalty. They will say they have got the sanction of the Legislature that penalty means a fine. I submit there is no justification for this kind of legislation. On the contrary, it will be *ultra vires* of this Legislature to do it. Even if a question like this goes to the Federal Court, they will not allow a penalty to be considered a fine. Besides, those High Courts which decided that penalty is not a fine, never recommended that the Legislature should be moved for the purpose of giving that meaning to it. I am sorry the Law Member is not in the House. We would like to have his opinion on this question. We would like to have his lead on this matter; otherwise an illegal thing may be made legal by the sanction of the Legislature. I, therefore, strongly oppose the clause and support the amendment.

The Honourable Sir Andrew Clow: Sir, this amendment has apparently been moved under a misapprehension and I am quite certain it has been supported by Mr Lalchand Navalrai under a misapprehension. We have heard Mr Maitra saying how we are trying to pile on privileges on the railways and invest them with new powers and we have heard a long disquisition from Mr Lalchand Navalrai on the subject of our wickedness in finding the House rather thin and endeavouring to introduce this terrible thing that would make this sum recoverable as a fine. Well, I speak on questions of law with diffidence, but this is not a question on which it

is at all necessary to invoke the assistance of my Honourable colleague, the Leader of the House. If Mr Lalchand Navalrai had taken the trouble of reading the existing Act, he would have found that these words are there. They have only been brought in here because the Draftsman found it a very convenient way of doing it. We are not making any change in the law in this respect. The penalty at present is recoverable as a fine.

Dr. Sir Ziauddin Ahmad: Under what section?

The Honourable Sir Andrew GLOW: Under the concluding words of sub-section (4) of section 113 of the existing Act. All that has happened is that we want to make it clear that imprisonment should be awarded in default and that is the new portion, in effect, of this clause. As I said, the Draftsman found it more convenient to recast the clause and has included these words "as a fine" which were in the old Act.

Apart from this, I do not think Mr Maitra's amendment would leave any sense in the clause at all. It would then read that one may apply to the Magistrate for the recovery of the sum payable and the Magistrate shall order it to be so recovered. I do not know what the word 'so' means and how it is to be recovered. Most Magistrates would feel that as the law had given them no indication of recovery but had given them power to impose imprisonment in default, therefore they ought to impose imprisonment in every case. Sir, I oppose the amendment.

Mr. Deputy President (Mr Akhil Chandra Datta): The question is

"That in sub clause (b) of clause 4 of the Bill, the words 'as if it were a fine' be omitted."

The motion was negatived.

Pandit Lakshmi Kanta Maitra: Sir, I beg to move

"That in sub clause (b) of clause 4 of the Bill, for the words 'Magistrate shall order' the following be substituted

'Magistrate after being satisfied on evidence to be recorded in writing shall order'."

This I consider to be a very vital point in the Bill. Yesterday, in connection with the general discussion, I devoted a considerable portion of my speech to this portion of the Bill. As it stands now, it means that any railway servant appointed by the railway administration in this behalf may apply to any Magistrate for the recovery of the sum payable as if it were a fine, and the Magistrate shall order it to be so recovered. In other words, the Magistrate no longer remains a Magistrate. He is degraded to the position of a railway fines collector on behalf of the Railway Administration. In connection with this, I drew the attention of the House to several reported judicial decisions of the High Courts in India where it has been clearly laid down that it is perfectly open to the Magistrate to go into the question of the liability of the person so charged as also to go into the question of the quantum of the charge made. Not only that, Sir. The trend of the judicial decisions so far has virtually conferred the right on a person so charged to have those questions opened up and if possible to give a rebuttal to the charge that may be brought against him. The argument of the other side would be, well this is a verbal transcript from the provisions of the Railways Act as they are at present and the Draftsman has simplified matters by putting all these together. I want the House to remember that

[Pandit Lakshmi Kanta Maithra]

the Railways Act was passed in 1890 and it took thirty long years for judicial courts in India to clarify the meaning of that section. When going through the setting of that section the High Courts came to that conclusion. But here, the situation is different. Here we are ostensibly legislating for the purpose of rigorously checking a ticketless travelling. This Bill has got a set object in view. If this amending Bill, we confer certain powers on the Railway Administration and the Magistrate in clear and specific terms, it is up to us to see that the judicial interpretation as has been given by the different High Courts be also crystallised and tagged on to this provision. In other words, it should not be left to the region of speculation whether the duty cast on the Magistrates by the judicial decisions was or was not taken away by the express provisions of this Bill where there is not the faintest indication of any investigation by the Magistrate. Nor is there any suggestion here that the accused will be entitled to lead evidence and rebut the charges that may be brought against him. My amendment is only to clear that point, to clarify it beyond any shadow of doubt. I want that when such a case is brought up before a Magistrate, the Magistrate has to go through a certain procedure satisfying himself that the charge has been actually due. In other words the Magistrate has to satisfy himself as to the liability of the accused to pay it as also the amount of charge that is claimed against him. I want these two points to be made clear. Mere 'Magistrate being satisfied' will not serve my purpose. As I have said, Sir, the Magistrate may be satisfied without going through any judicial procedure. The Magistrate may satisfy the qualms of his conscience by simply enquiring of another officer the credentials of the man who applies to him for proceeding against the accused. I am not going to countenance that. It has also been argued that the man may plead guilty, when no evidence will be tendered.

Let us not confuse a warrant case with a summons case. In a summons case, of course, if the accused admits his guilt, that will be enough. It is only in warrant cases that some form of evidence has to be gone into and that evidence is very simple. The man complaining may say that the person charged did not pay the railway on demand the proper fare and that he was sending him up to the Magistrate for realising that. That itself would be evidence. All I want by this amendment is to lay down the procedure which the Magistrate will be bound to follow when such cases are brought before him. Unless that is done, Sir, I do not think that we shall be doing our duty. It is a corresponding obligation on our part. While we are giving certain very drastic powers to railway authorities there should be corresponding obligation to see that the formalities of law are complied with so as to prevent any likely miscarriage of justice. It is only from this point of view that I am moving this amendment. I know that my Honourable friend, the Railway Member, will say, "Well, I have got another amendment to meet your point." But I do not understand why he should hesitate to accept the legal phraseology which fully clarifies the position and which clearly sets all doubt at rest. Sir, I move

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved.

"That in sub-clause (b) of clause 4, of the Bill, for the words 'Magistrate shall order' the following be substituted:

'Magistrate after being satisfied on evidence to be recorded in writing shall order'."

The Honourable Sir Andrew Olow: Sir, I do not altogether share the apprehensions of my Honourable friend. I should have thought myself that the word 'payable' was adequate to make it clear that the Magistrate must be satisfied that the sum is payable. But I recognise that in a matter of this kind there is no harm in being entirely sure on the point and in avoiding any of the doubts and fears which you, Sir, expressed this morning. I am, therefore, in sympathy with the object underlying my Honourable friend's amendment, but quite frankly I prefer the wording of another amendment which has been tabled, that is No 9 in the Supplementary List No 1, both because that has been prepared in consultation with the Draftsman and because I am not at all clear as to what the effect of this particular amendment will be. There are a great many of these cases which go uncontested. They are tried in a summary way which might involve merely the recording of a short memorandum, not evidence in writing and I apprehend that the effect of this amendment might be to insist in all cases on the sort of transcription that is required in trials other than a summary trial. This is not even a trial of an offence, and, therefore, a summary procedure is suitable. While, therefore, I am quite prepared to accept the later amendment, if it is moved, I am not prepared to accept this one.

Mr. Deputy President (Mr Akhil Chandra Datta) The question is "That in sub-clause (b) of clause 4 of the Bill, for the words 'Magistrate shall order' the following be substituted

'Magistrate after being satisfied on evidence to be recorded in writing shall order' "

The motion was negatived

Pandit Lakshmi Kanta Maitra: Sir, I move

"That in sub-clause (b) of clause 4 of the Bill, for the words 'the Magistrate shall' the words 'the Magistrate may' be substituted "

This is merely a change from 'shall' to 'may'. I think we should at least give the magistrate a discretion as to whether he should proceed in the matter or not. Sir, I move

Mr. Deputy President (Mr Akhil Chandra Datta) Amendment moved

"That in sub-clause (b) of clause 4 of the Bill, for the words 'the Magistrate shall' the words 'the Magistrate may' be substituted "

The Honourable Sir Andrew Olow: Sir, I can see no point in this amendment whatever and no reason has been given for it. If the magistrate is satisfied that the sum is payable is there any reason why he should not recover it?

Pandit Lakshmi Kanta Maitra: But that amendment is not before the House or in the wording of the present Bill.

The Honourable Sir Andrew Olow: The Honourable Member might have trusted Mr Essak Sait to move his amendment.

Pandit Lakshmi Kanta Maitra: It is not a question of trusting any one.

The Honourable Sir Andrew Olow: Sir, I oppose this amendment

Mr. Deputy President (Mr Akhil Chandra Datta) The question is—

“That in sub clause (b) of clause 4 of the Bill, for the words ‘the Magistrate shall’ the words ‘the Magistrate may’ be substituted.”

The motion was negatived

Mr. H. A. Sathar H. Essak Salt: Sir, before I move my amendment, I should like to know from my Honourable friend if he will accept amendments 9 and 10 together

The Honourable Sir Andrew Clow: The difficulty is that it may be an uncontested case, and the acceptance of No 10 might impose further investigations. I am quite prepared to accept No 9

Mr. M. S. Aney: If that is the only objection of the Honourable Member even in an uncontested case it may be that the accused will plead guilty. In summons cases the procedure is that the trial begins with the recording of the plea. If the accused pleads guilty recording that plea itself becomes a part of the investigation and that is final

The Honourable Sir Andrew Clow: Sir, there is no amendment before the House yet

Mr. M. S. Aney: In his reply the Honourable Member referred to that

Mr. H. A. Sathar H. Essak Salt: Sir, I move

“That in sub clause (b) of clause 4 of the Bill, after the word ‘Magistrate’, where it occurs for the second time, the following words be inserted—

‘if satisfied that the sum is payable’”

An amount of difficulty has arisen because of the words in the clause which say that the recovery will be made “as if it were a fine”. The general impression that has gained ground is that it will be only necessary for any railway servant to put in a memorandum before a magistrate and say that so much is due from such and such a person and the magistrate at once proceeds to recover it as if it were a fine. There is no evidence and no need for the magistrate to call for evidence or call for proof, and so on, and this bill which is put in by the railway official is enough to prove the truth of the allegation. It is to provide against that that my Honourable friend Mr Maitra has been trying his best to improve this clause in the Bill and my amendment also tries to do the same. The words to be inserted are, “if satisfied that the sum is payable”. By what methods is he to be satisfied? I suggest to my Honourable friend to accept the next amendment also along with this so that it will read, “after proper investigation if satisfied that the sum is payable”. In that case of course the provision will be for a proper investigation first and then if the magistrate is satisfied he will issue orders for the recovery of the amount. This is what we are trying to get at. I do not know why my Honourable friend does not agree to accept No 10 along with No 9. But in any case if the magistrate is to be satisfied some sort of investigation has to be held. I do not know what my Honourable friend means or understands by the word “satisfied”. What I understand by the word that I have used is this that there will be a proper investigation before the magistrate is satisfied. If the magistrate simply sits in his chair and says that he is satisfied with the memorandum which has been put before him, that is not the

idea underlying my amendment. What I meant was that the magistrate should be satisfied only after proper investigation and not simply say that he is satisfied. Sir, I move

Mr. Deputy President (Mr. Akhil Chandra Datta) Amendment moved

"That in sub clause (b) of clause 4 of the Bill, after the word 'Magistrate', where it occurs for the second time, the following words be inserted

'if satisfied that the sum is payable' "

Mr. M. S. Aney Sir, I think this is an amendment which really requires to be amplified by some more words. The word 'satisfied' is used in the Criminal Procedure Code. If sections 107, 108, 145, 147 etc. of the Criminal Procedure Code are read it will be found that mere laying of the information before a magistrate by a certain officer authorised in that behalf and taking a statement in verification of that information from that officer is enough for the magistrate to be satisfied for issuing a certain process against the person or issuing certain orders under those sections. For being satisfied he is not required to record any evidence in support of the information laid except a statement made by the officer who lays that information before the court and wants to set the judicial machinery in motion for taking out a particular process or a particular action. If that is the procedure contemplated by my Honourable friend I think it is open to objection because what is to be done here is not to prevent a man from doing anything. Here, the magistrate is called upon to find out if a certain sum is payable. And if he is to hold it as payable it is necessary to prove that the man has travelled without a ticket for a certain distance. It may be that the evidence of one man may be sufficient and, as everybody knows, it does not make it incumbent upon the magistrate to have a certain number of witnesses in proof of anything. But if the man stands in the witness box and offers himself for cross-examination by the accused, it is part of investigation. But when a mere statement is made in verification of the thing and the other party concerned has no opportunity to cross-examine him, that is not the kind of investigation which is contemplated at all. So if the accused is to be taken to the magistrate it is not for the sake of asking the magistrate to issue a warrant of distress for recovering the money, that is more or less work to be done by the process servers and other people in the court. The magistrate is approached in order that an opportunity may be given to the man to prove that the allegation made against him by the particular officer who has brought the complaint is true or false, and if that is the object I think there can be no reasonable objection on the part of the Honourable Member to the insertion of the words "on proper investigation made" or "on investigation made" if the word "proper" is too big. Otherwise the laying of information and being satisfied with the information itself is provided for in the Criminal Procedure Code in many places. And the magistrate cannot be satisfied with a mere statement of the man in verification without there being an opportunity given to the other person to cross-examine the informant. If they want to do anything like that, taking the matter to a magistrate has absolutely nothing judicial about it. I do not think that that should be our object in enacting a provision of this kind. In order to inspire confidence in the person proceeded against, an investigation of some kind is necessary, and I believe the Honourable the Communications Member will not be in favour of leaving deliberately a section in a chaotic condition, to be interpreted by the

[Mr M S. Aney]

magistrates in any way they like instead of being a useful provision it may give rise to a good deal of confusion and even harassment I think the amendment moved is incomplete though I support it, I am sure the Honourable Member will see that in order to make its meaning clear and to give an intelligent lead to the magistrates who have to administer this law, some better provision is made by inserting some such words as these I support the amendment

Mr. Govind V. Deshmukh: Sir, this is a funny part of this clause A railway servant goes before a magistrate and puts in a memo, and it would appear from the present wording of the clause that this memo has the effect of some sort of decree and cannot be challenged This is what they want I submit it is very unfair to the person against whom this claim is to be made He should have a chance of disputing the claim put before the magistrate What they are doing is to debar him from proving that he is not liable, on this memo which has the effect of a decree, to pay the amount mentioned We have seen and we have had here stories narrated that it is very difficult, many a time, to calculate the excess fares so when we find that there have been such instances quoted in this House today and which are likely frequently to arise under these different sections, why should a man be denied the opportunity to prove his real claim? I cannot understand this also, that he should be denied a chance of leading evidence because if the word 'satisfied' has any meaning, a person can only be satisfied, not by intuition, but by evidence The difficulty put forward is that if he has to record evidence and do this and that, time will be taken and something else may happen What do we find in certain civil cases? It is not necessary that the whole of the evidence should be recorded, as in cases which are tried in small cause courts The evidence is not recorded *verbatim* in those cases—merely the gist of it We do not claim that any claim put forward before a magistrate should be tried like a regular suit We merely say the man should not be denied the opportunity to prove his own case—that is all we want If this amendment is accepted, it will be only fair to him that the magistrate should be satisfied on proper investigation The argument is always advanced that this is what we have copied from the old Act But the old Act was never enacted before a representative assembly like this That argument can never prevail with us Another argument is again the same—that this is or is not in the old Act in other words, that it is an immutable act and whatever is found there ought to be found here and we cannot propose any change It cannot be sacrosanct We are here to make laws and to change laws You yourself have brought it here in the new form and you are asking us to put our seal on the wording as it is today You cannot ask us to put our seal on the old Act which was passed by somebody—I do not know whether there was any legislature then

These are my arguments and I submit that both these amendments seem to me to be very reasonable We do not seek to lay down any new procedure "Satisfied"—with regard to evidence—does not mean that there should be a *verbatim* record I submit under the circumstances that these are reasonable amendments and should be adopted.

Mr. Muhammad Azhar Ali: Sir, this section in fact makes the reporter a full-fledged court in himself Is that the object of this section that he

should be invested with the powers of a court? I do not know whether the magistrate will be a civil court or a criminal court

Mr. M. S. Aney: He will be an execution court!

Mr. Muhammad Azhar Ali: I agree His decree will be final There is no evidence to be given, there is nothing that the accused will have power to say The magistrate will simply receive the fiat from the railway officials saying that so much is to be realised from so and so, and it is final He cannot lead any evidence and if anybody says it is proposed to give evidence to prove his innocence or prove anything which may contradict the complainant, he will be out of court I have heard nothing like this in any legislature or elsewhere Even if these are to be summary proceedings, we know that such proceedings are held and something is jotted down by way of notes by the magistrate or the civil court, in small cause courts or in criminal courts But this is a very novel procedure, which I think no man with any sense can allow to be made into law There is a memo put in that so and so is liable for so much and the order is final A paper has merely to be laid before the magistrate for the conviction of a person and he will be convicted That is something very serious for the man concerned The other thing is that he will be fined or whatever the magistrate decides Without any evidence and without any trial, if this legislature is asked to sanction such a procedure I think we will be doing a very great injustice to Indians, and you will be making the Railway Department an eye-sore in the eyes of Indians by giving such drastic powers to their servants who may place any paper before the magistrate and that will be final Sir, I support the amendment

Mr. Lalchand Navalrai: Sir, it is apparent that we are solely at the mercy of the Honourable the Railway Member He is credited with being very reasonable in doing things, and I hope now he will be so reasonable because as I understood what he said a short while ago, this investigation or inquiry by the magistrate will be covered by the word "payable" to be decided by him If that is so, then the words at present are "if the magistrate is satisfied that the sum is payable" How is he going to be satisfied? I believe the Honourable Member will himself say, —and I think if I remember aright, he said he would have to satisfy himself by some kind of material before him Now, the only fear is that there are magistrates and magistrates, and some magistrates might say that they are satisfied with what a particular gentleman has said before them or with the materials placed before them, and on that some of the magistrates might decide that the amount is payable and then apply the stringent provisions of the powers under this clause Therefore, I would be quite satisfied even if the Honourable the Railway Member were to give his interpretation of the word 'payable' in clear language If he were to give his interpretation in a clear and unambiguous language in replying to the debate, there will be at least something on record, but I am afraid that the proceedings of our Legislature are not taken any notice of by the magistrates when they are cited in courts, the magistrates never care to look at the words, they merely look at the actual wording of the enactment itself Of course, there are reasonable magistrates also who go through the proceedings to see what help they can get from these proceedings in order to find out what was the meaning intended by the Legislature

An Honourable Member: High Courts discourage it

Mr. Lalchand Navalrai: I know the High Courts do not encourage it, but there are some Magistrates and Judges who without telling the public quietly go through the proceedings of the Legislature and go through them and then apply their commonsense and judicial mind before deciding cases. Therefore, what I am saying is if the Honourable Member in charge has really in his mind that investigation should be made or that some kind of evidence should be taken, then I do not think he should be deterred from expressing his opinion plainly and frankly in his reply. Unless my friend, the Railway Member, has something up his sleeves—we do not know what he has in his mind with regard to the interpretation of the word 'payable',—the inquiry will be made by a Magistrate and he will not be barred from making an inquiry, we cannot be satisfied. If that is his intention, it means that he agrees with the amendment that comes later. Then if that amendment is accepted, it will put the meaning very plainly and clearly. I do hope that the Honourable Member in charge will make the point clear and put the meaning beyond any shadow of doubt. Sir, I support this amendment.

Dr. Sir Ziauddin Ahmad: Sir, I am not a lawyer myself, and I wish some of the lawyer Members sitting on the back Benches on the opposite side would help me on what I am going to say. Unfortunately, these gentlemen have got ears, they have got good brains, but they have no tongue. We have already swallowed one pill, and I understood,—subject to correction by someone on the opposite side,—that whenever any amount is due either by way of income-tax or canal dues, then it is provided explicitly that it will be collected as if it is an arrear of land revenue. That is clearly provided, and in this case, we have swallowed the pill that it is not to be collected as arrears of land revenue, but it will be collected as fine. I think it was rather a big pill to swallow. But the argument on the other side was that we swallowed it in 1890,—fifty years ago, because it was in the original Bill, and since then there has not been any great abuse of the powers, and therefore everybody tried to keep quiet. Then the second point is this. Whenever any case of non-payment occurs, then the other party should also have a right to say whether the demand is or is not just, and if he is a respectable man, he should be represented by a pleader. This provision ought to be there so that the other party should have the right to contest whether the amount is payable or not, and that party should have the right to be represented by a pleader. If these words are included in the amendment now before us, then the other party can argue about the correctness of the amount and that he can be represented by a pleader. If that is not the case, then it is very unfair to demand payment in this way. I shall give the House one instance. A man had a return ticket from Lyallpur to Calcutta. According to the rule, he ought to have travelled via Ambala, Saharanpur, Lucknow and so on. Instead of going via Saharanpur and Lucknow, he travelled via Delhi and Cawnpore. He was questioned at the Cawnpore station, and they asked him to pay the second class fare together with all the penalties from Ambala right up to Cawnpore, because that is the place at which he changed. The man argued and said 'Suppose I am travelling without ticket, you would only charge me from the last checking station, that is from Tundla and not from Ambala.' He argued this way, and I do not want to say what subsequently happened. Suppose a similar case arises, and a ticket collector charges a passenger fare from Ambala to Cawnpore, while really speaking he ought to charge him

from the last checking station, that is from Tundla,—supposing such a case arises, then I should like to know whether, according to the words of the amendment, it will include the right of the passenger to lay the facts before a Magistrate and point out that the sum demanded is not correct. According to the railway rules, they ought to make a charge only from the last checking station, and the charge made from Ambala is not correct,—and I want to know whether my right of pleading before a Magistrate is or is not there. Even if some of my lawyer friends say that the words 'sum payable' include that right of pleading before a Magistrate and that I could be represented by a lawyer, I shall be satisfied. But if that right is not there, some greater clarification is very necessary. This is really a point for the lawyer friends on the opposite side to satisfy us.

The Honourable Sir Andrew GLOW: I do not recollect having had such a long debate on an amendment on which we all seem to agree. The discussion has taken place mainly on an amendment which has not been moved and which cannot be moved for want of notice. I have been asked to give an interpretation of the words "if satisfied that the sum is payable". There is a terrible threat that some magistrate, not realising my lack of qualifications to speak on the subject, may look up what I said later and be guided thereby. I feel sure that if he did look up and put in his judgment that I suggested it to mean what it does mean, he will get a rap on the knuckles from some superior court.

Subject to that, I do not mind saying that this is an additional safeguard which in my view is quite adequate. You have got to remember that a good many of these cases are entirely uncontested. In some cases the man does not even bother to appear. The officer making the complaint puts in his complaint, he declares before the magistrate that this and that sum is payable. If the magistrate so requires, that statement is recorded on oath. But if, as seems to be the case in the minds of most Honourable Members, the case is contested and the man charged appears before him and says, "I never travelled by that train. I never travelled that distance. This sum is not payable", obviously, there is no magistrate who would not allow him to cross examine, would not allow him to bring in evidence and would not make an enquiry into the matter. The words "after proper investigation" frighten me. Mr Aney has referred to some technical meaning of "satisfied". What is the technical meaning of "investigation"? I do not know, and "proper" is a word which I am quite unable to define. I feel that this amendment really meets the point which is behind the fears and apprehensions, "real or imaginary" to quote a distinguished man, of Honourable Members in this House, and I also support the amendment.

Mr. Deputy President (Mr Akhil Chandra Datta): The question is

"That in sub-clause (b) of clause 4 of the Bill, after the word 'Magistrate', where it occurs for the second time, the following words be inserted—

'if satisfied that the sum is payable' "

The motion was adopted.

Mr. Deputy President (Mr Akhil Chandra Datta): Amendment No 10 on the Supplementary List.

The Honourable Sir Andrew GLOW: I must object to this amendment being moved. There has not been sufficient notice.

Mr. M. S. Aney: But it has been circulated to Members

The Honourable Sir Andrew Clow: I have no objection to a motion on the amendment. I feel that it was fully debated and there is nothing to be gained by waiving notice.

Mr. Deputy President (Mr Akhil Chandra Datta) The Honourable Member can move No 10

Mr. Amarendra Nath Chattopadhyaya: I beg to move

"That in sub-clause (b) of clause 4 of the Bill, after the words 'Magistrate shall order' the words 'after proper investigation' be inserted"

[At this stage, Mr President (The Honourable Sir Abdur Rahim resumed the Chair)]

Mr. President (The Honourable Sir Abdur Rahim) The question is "That in sub-clause (b) of clause 4 of the Bill, after the words 'Magistrate shall order' the words 'after proper investigation' be inserted"

The Assembly divided

AYES—19

Abdul Ghani, Maulvi Muhammad
Aney, Mr M S
Azhar Ali, Mr Muhammad
Banerjee, Dr P N
Chattopadhyaya, Mr Amarendra
Nath
Datta, Mr Akhil Chandra
Deshmukh, Mr Govind V
Esak Sait, Mr H A Sathar H
Fazli Huq Piracha, Khan Bahadur
Shaikh

Ghiasuddin, Mr M
Lalchand Navairai, Mr
Maitra, Pandit Lakshmi Kanta
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi
Syed
Nauman, Mr Muhammad
Parma Nand, Bhai
Rafiquddin Ahmad Siddiquee, Shaikh
Zafar Ali Khan, Maulana
Ziauddin Ahmad, Dr Sir

NOES—42

Abdul Hamid, Khan Bahadur Sir
Abdul Hamid, Khan Sahib Shaikh
Ahmad Nawaz Khan, Major Nawab
Sir
Bewoor, Sir Gurunath
Boyle, Mr J D
Buss, Mr L C
Caroe, Mr O K
Chapman-Mortimer, Mr T
Chettiar, Dr Rajah Sir S R M
Annammalai
Clow, The Honourable Sir Andrew
Daga, Seth Sunderlal
Dalal, Dr R D
Dalpat Singh, Sardar Bahadur
Captain
Dumasia, Mr N M
Frampton, Mr H J
Griffiths, Mr P J
Gwilt, Mr E L C
Ikramullah, Mr Muhammad
Imam, Mr Saiyid Haider
Ismael Ali Khan, Kunwar Hajee
James, Sir F E
Kamaluddin Ahmed, Shams-ul-
Ulema

Kushalpal Singh, Raja Bahadur
Lawson, Mr C P
Maxwell, The Honourable Sir
Reginald
Mazharul Islam, Maulvi
Miller, Mr C C
Muazzam Sahib Bahadur, Mr
Muhammad
Mudaliar The Honourable Diwan
Bahadur Sir A Ramaswami
Mukharji, Mr Basanta Kumar
Pillay, Mr T S S.
Rahman, Lieut-Colonel M A
Raper, Mr J H. F
Rau, Sir Raghavendra
Scott, Mr J Ramsay
Shabban, Khan Bahadur Mian
Ghulam Kadir Muhammad
Sivaraj, Rao Sahib N
Spence, Sir George
Staig, Mr B M
Thomas, Mr J H
Tyson, Mr J. D
Zafarullah Khan, The Honourable Sir
Muhammad

The motion was negatived.

Mr. Lalchand Navarai: Sir, I move

"That in sub-clause (b) of clause 4 of the Bill, all the words beginning with the words 'and may order' and ending with the words 'to one month' be omitted."

This is a clause which has been added and which has relation to section 113 of the Indian Railways Act. Now, by this clause a complaint is being made to the magistrate by any railway servant. There was an amendment that it should be declared which railway servant he will be, and he should be of some higher grade. "Some railway servant" will include any man in the service of the railway. That has not been accepted. Now, it is said that the magistrate shall recover the sum payable as if it were a fine and the magistrate shall order it to be recovered. So far, of course the clause has been passed but then I say that no further hard provision should be made. It is provided in this sub-clause that the magistrate may order that the person liable for the payment shall in default of payment, suffer imprisonment of either description for a term which may extend to one month. There are two points in this connection. It is said that the imprisonment will be for one month and also it is said that the imprisonment may be of either description. Under section 65 of the Indian Penal Code, the fine would be one-fourth of the maximum punishment prescribed for the offence. Here there is no fixed period of any imprisonment. Therefore you are going beyond in fixing one month. That is one point and the other point is, that if only fine is imposed, it is simple imprisonment that is given but here also it is going to be made that the imprisonment may be of either description as well as fine. Rigorous imprisonment cannot be given in default of payment of fine. Therefore, it is a legal mistake and if we are a party to it, we will be doing a thing which is *ultra vires*. I also say that the provision at present is simple, in which the man is asked to pay penalty and the penalty is recovered. Now, if we are going to make it so stringent as that, I submit, and I hope that the House would agree with me, that in cases of these infractions of the rules, there should be no imprisonment at all. Therefore, we are against any imprisonment being awarded, for, what is only an infraction of a rule there should be no imprisonment even in default. Therefore, the fine may be recovered in an ordinary way by attachment.

An Honourable Member: Suppose he has no property

Mr. Lalchand Navarai: Then why are you proceeding in a matter like this. If you consider it from the point of view of beggars, it is quite a different thing. You may provide any punishment for him but if the man has travelled only by mistake, you make a rule jointly for all. Therefore we should be cautious. Let us first of all try it without any imprisonment.

An Honourable Member: Why?

Mr. Lalchand Navarai: Even if it is a fine, or it is a larger fine, that may be also a deterrent? Why at once jump from one hundred 4 p.m. rupees fine in the case of fraud at once to one year? Is not that a big jump? Is there any principle in that? I, therefore, move this amendment.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in sub-clause (b) of clause 4 of the Bill, all the words beginning with the words 'and may order' and ending with the words 'to one month' be omitted."

The Honourable Sir Andrew Clow. Sir, I oppose this amendment,—not unnaturally I hope, because it is only the inclusion of this provision that is the sole object in having this clause at all

An Honourable Member: The sole object is imprisonment?

The Honourable Sir Andrew Clow: The sole object of amending this particular sub-clause is to ensure that when a man does not pay, you can impose imprisonment in default. I was a little surprised to hear my Honourable friend say that, "Oh, you can do what you like with the beggars, but of course with the people who can pay, you must be very careful." That sounded like a complaint that we were trying to treat all alike and like appealing to me to have one law for the poor and another law for the rich. I am afraid that is a principle with which I cannot agree. But as regards the gentlemen for whom he is so solicitous, who are able to pay, obviously, if they are able to pay, there is no question of suffering imprisonment. They can pay up the amount due and get out of prison or of going there. He asks us to try and see what would be the effect of doing this. Well, we have tried and seen that for a great many years and that is exactly why we are proposing to add this provision.

Pandit Lakshmi Kanta Maitra: Mr. President, I am surprised to hear the argument advanced by the Honourable the Railway Member against this amendment. I think he completely missed the point when he sought to make out that this amendment was designed to have one set of laws for the poor and another for the rich.

The Honourable Sir Andrew Clow: On a point of explanation, Sir, I did not say that the amendment was designed to that end, I said that Mr. Lakhchand Navalarai's argument was designed to that end.

Pandit Lakshmi Kanta Maitra: Thank you very much, Sir, after the arguments of my Honourable friend, the Railway Member, I would like again to draw the attention of the House to what happened a few minutes ago. We had a full dress debate on the question of the procedure that, in our opinion, ought to be adopted in connection with this matter.

Sir F. E. James: Also a full-dress division.

Pandit Lakshmi Kanta Maitra: and as my Honourable friend points out, we had a full-dress division too. I think, after the results of the division, we should insist on having this portion of the clause deleted.

An Honourable Member: Why?

Pandit Lakshmi Kanta Maitra: The simple reason is that if the magistrate is not even going to hold any investigation, why are you going to arm him with the powers of sentencing men to imprisonment? If he had conceded the demand of an investigation, that is, if the accused could have an inquiry or an investigation or trial as a matter of right, he would have got an opportunity to establish his innocence, he could have rebutted the charge brought against him. Not conceding that right of an inquiry or of an investigation, why should he come forward to ask for

powers for his magistrates to send men straight to jail? Let us not forget that there is a section 112 which is also sought to be drastically modified. That section deals with the cases where people have the intent to cheat, to defraud the Government. There you have prescribed imprisonment. But this class of cases is entirely different. Here no question of intent to defraud or cheat comes in. Here the very fact of a man travelling without a ticket and not paying may be reported by any railway servant to any second-class magistrate and that charge shall be final and conclusive against the man. He has not to go behind it. This magistrate will satisfy the demands of his conscience, I do not know how, may be by revelation or by intuition. Those of us who do not believe in these methods but believe in the procedure laid down by the judicial courts in this country, believe in open trial or investigation, have been denied that right of trial or investigation. Now, there may be a person who may disagree with the railway servant about a certain amount and if, because of that disagreement he does not want to pay in spite of the direction of the magistrate, he may be sentenced to prison. May I ask if the Honourable Member thinks that because the Railways are earning a huge income this time the public tax-payers are going to foot the bill for putting all manner of people in jail? Is the jail going to be a hospitable or charitable organization? We taxpayers have got our duty and are we going to allow that at the whims and caprices of the executives, people are going to be sent to jail? Sir, that is a charge upon the public revenues. Moreover, there is another point. If it had been a fine imposed by a magistrate after coming to some judicial decision, then one could understand the prescription of a sentence of imprisonment in default of the payment of fine which he himself imposes. In this case the matter is entirely different. The magistrate here merely becomes a registering machine on behalf of the Railway Administration. I do not understand how the question of showing undue leniency comes in. There may be cases where there is absolutely no fraudulent intent whatsoever,—and what is the Railway going to gain? Supposing you fail to get your proper dues from him, are the Railways going to gain anything by putting these men in jail and calling upon the public exchequer to incur the expenses for nothing? In the case under section 112, it is a crime against society as there is an intent to cheat and it stands on an entirely different footing. One can understand the prescription of a sentence like that for that class of case but here it is entirely different. From that standpoint we cannot support a provision for imprisonment. My friend says, "Well, it is only with this purpose that we are getting this provision modified." Hitherto, my friends over there had been swearing by what was contained in the provisions of the Indian Railways Act of 1890. If you read that section 113 and sub-clause (4), you will find absolutely no provision for such things. So I think, Sir, that this is an extremely unreasonable demand made on behalf of the Railway Administrations and we cannot satisfy it. Sir, I support this amendment.

Dr. Sir Ziauddin Ahmad: Sir, we have a provision in the Indian Penal Code for the recovery of fines and I do not see why an additional provision should be inserted in this particular Bill for the recovery of this fine. There should be a common procedure for the recovery of the fines. I think the last speech of the Honourable Member has clearly shown that the cat is out of the bag. The object of the Bill is not to stop ticketless travelling. So far as ticketless travelling is concerned, we have our sympathies with him and we are quite prepared to support any

[Dr Sir Ziauddin Ahmad]

measure which will help him to achieve this object. But, as my friend, Mr Maitra, said, the object of this Bill is imprisonment. My Honourable friend, Mr Navalrai, also said that it is not a ticketless passengers Bill it is really an imprisonment Bill. In this particular demand of the Honourable Member we very much regret that we do not see eye to eye with him and we do not sympathise with him. I can also say now that the objection raised by my Honourable friend the other day over my speech was not a correct one. Still, it is irrelevant for the simple reason that it is not a ticketless travellers Bill. It is really an imprisonment Bill and, therefore, I regret we cannot support it.

Mr. Muhammad Nauman: Sir, I do not want to make a long speech as the relevant point has already been expounded by the previous speakers. I have just risen to implore the Honourable Member to look into this particular situation carefully. When a certain Bill is introduced in the House, it is certainly the duty of the Government to see that there is all possible unanimity on the part of all the parties enacting the proposed legislation. We conscientiously feel that by enacting this the Government knowingly or unknowingly is doing something which is against the approved consensus of opinion of the people of this country. The Government should realise why all clauses should be maintained against the will of the majority of the elected members of this House and that, we, as responsible representatives of the people, look upon this particular clause without this amendment as one which could only mean that the Bill is meant to imprison people and not to realise money from those whom the Railways accuse for defrauding their legitimate dues. We do not want that the railways should be deprived of their legitimate dues nor do we want that they should be put to unnecessary trouble for realising their dues, but certainly, we cannot be a party to a law which ignores all the procedure of enquiry which is being followed in this country for all the other crimes of similar nature. Therefore, I support my friend, Mr Maitra, and I hope the Honourable the Railway Member would accept the amendment. He should realise that we on this side honestly feel that an amendment of this nature is absolutely necessary in the interests of the people of this country and also in the interests of the Government of the land. Either the Government should convince us that they are doing something which is in the interests of the country or they should accept our view and should not coerce us because of a particular circumstance of a weak Opposition consequent on Congress Party's absence.

Maulvi Muhammad Abdul Ghani: Sir, the purpose of the railway authority in having their sum realised or recovered is served by the former portion of the clause. The latter portion does not serve their purpose. It is only meant, according to my view, to harass the people and to give a weapon in the hands of undesirable persons so that they may be able to satisfy their grudge. The Railway Member wants to send people to jail for either description of imprisonments, simple or rigorous, but he forgets who will feed them there. Will the railway authority bear the expenses? Why should the public tax-payer be made to pay for the benefits of the railways concerned? There is no justification at all. It would have been fair on the part of the railway authority or the Honourable Member in charge at least to provide for the maintenance of those whom they wish to send to the jail. But the Honourable

Member has failed to do so. The tax-payer should not unnecessarily, illegitimately and unfairly be burdened with such an unnecessary expenditure. With these words, I support the amendment.

The Honourable Sir Andrew Clow: May I say a word of explanation before you put the motion? I did not say that our only object was to send persons to prison. What I said was that the inclusion of this, the substantive part of this clause, was necessary to make that possible, the point being that the High Courts had ruled that, although it was recoverable as a fine, one of the normal methods of recovering a fine, namely, that of imposing the imprisonment in the court, was not admissible under the section as it stands.

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That in sub clause (b) of clause 4 of the Bill, all the words beginning with the words 'and may order' and ending with the words 'to one month' be omitted."

The Assembly divided

Abdul Ghani, Maulvi Muhammad
Aney, Mr M S
Azhar Ali, Mr Muhammad
Banerjee, Dr P N
Chattopadhyaya, Mr Anandendra
Nath
Datta, Mr Akhil Chandra
Deshmukh, Mr Govind V
Esak Sait, Mr H A Sathar H
Fazli Haq Piracha, Khan Bahadur
Shaikh

Ghiasuddin, Mr M
Lalchand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta
Muhammad Ahmad Kazmi, Qazi
Murtuza Sahib Bahadur, Maulvi
Syed
Nauman, Mr Muhammad
Parma Nand, Bhai
Rafiquddin Ahmad Siddiquee, Shaikh
Zafar Ali Khan, Maulana
Ziauddin Ahmad, Dr Sir

Abdul Hamid, Khan Bahadur Sir
Abdul Hamid, Khan Sahib Shaikh
Ahmad Nawaz Khan, Major Nawab
Sir
Bewoor, Sir Gurunath
Boyle, Mr J D
Buss, Mr L C
Caroe, Mr O K
Chapman-Mortimer, Mr T
Chettiar, Dr Rajah Sir S R M
Annamalai
Clow, The Honourable Sir Andrew
Daga, Seth Sunderlal
Dalal, Dr R D
Dalpat Singh, Sardar Bahadur
Captain
Dumasia, Mr N M
Frampton, Mr H J
Griffiths, Mr P J
Gwillt, Mr E L C
Ikramullah, Mr Muhammad
Imam, Mr Sayyid Haider
Ismail Ali Khan, Kunwar Hajee

James, Sir F E
Kamaluddin Ahmed, Shams-ul-
Ulema
Kushalpal Singh, Raja Bahadur
Lawson, Mr C P
Maxwell, The Honourable Sir
Reginald
Mazharul Islam, Maulvi
Miller, Mr C C
Muazzam Sahib Bahadur, Mr
Muhammad
Mudaliar, The Honourable Diwan
Bahadur Sir A Ramaswami
Mukharji, Mr Basanta Kumar
Pillay, Mr T S S
Rahman, Lieut.-Colonel M A
Raper, Mr J H F
Rau, Sir Raghavendra
Scott, Mr J Ramsay
Sivaraj, Rao Sahib N
Spence, Sir George
Staig, Mr B M
Thomas, Mr J H
Tyson, Mr J D

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That clause 4, as amended, stand part of the Bill"

The motion was adopted

Clause 4, as amended, was added to the Bill

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That clause 5 stand part of the Bill"

Mr. Amarendra Nath Chattopadhyaya: Sir, I beg to move

"That in clause 5 of the Bill, in the proposed section 113 A, after the words 'may be removed' the words 'to a station suggested by the person to be removed' be inserted"

Sir, the object of the Bill is to realise proper fares with penalty, and my amendment also seeks to give effect to the same thing. A person who is found to be travelling without ticket is to be removed from the train. Then, with a view to pay proper fare, he might have some friends in some other place who may be able to help him to pay the fares. He may suggest some other station where he might get down and get his friends to pay the fare. Why should he be punished, if he is ready to pay the fare? He may not be able to pay the fare then and there, but if he is allowed some facility, he will pay it at some other station. That is the whole implication of my amendment. If it is the intention of the Honourable Member for Railways only to punish a man, it is quite different. But if he wants to get the proper fare with penalty, and if the passenger is willing to pay the fare by getting down from the train somewhere without being removed at the sweet will and pleasure of the servants of the railway, I do not think there will be any difficulty in realising the fares. Sir, I believe the Honourable Member for Railways will accept my amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in clause 5 of the Bill, in the proposed section 113 A, after the words 'may be removed' the words 'to a station suggested by the person to be removed' be inserted"

The Honourable Sir Andrew Clow: Sir, if I had not been a little somnolent, I ought to have objected to this on the ground of want of notice. Actually the amendment would reduce the section to an absurdity.

Sir F. E. James (Madras European) Object to it on the ground of want of sense.

The Honourable Sir Andrew Clow: That is the ground I am taking now. Under this extraordinary provision, apparently a man who leaves Delhi, let us say for Muttra, and who wants to get a nice journey to Madras, if only he gets apprehended at the next station might suggest that he be taken to Madras, and the Railway will be obliged to remove him to Madras. Actually our right of removal which is embodied in this section does not involve, as other acts including the British Act do, the right of detention. The man is free when he is removed. This will mean that he will have to be removed in custody to some station selected by himself out of the very large number of stations we have in India. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim) The question is "That in clause 5 of the Bill, in the proposed section 113-A, after the words 'may be removed' the words 'to a station suggested by the person to be removed' be inserted "

The motion was negatived

The Lalchand Navalrai: Sir, I move

"That in clause 5 of the Bill, in the proposed section 113-A, for the word 'person', occurring in the 16th line, the words 'railway subordinate' be substituted "

This Bill when passed into law will, I think, be popularly called the Railway Imprisonment Act. The object throughout has been imprisonment wherever the Honourable Member would like to have it. Therefore we have to be very careful. We will make our suggestions and if they are not accepted that will not deter us from putting forward our views. I hope this amendment will be considered reasonable because I am not asking anything new but what this clause itself provides at one place. This clause 113A enables any railway servant authorised by the railway administration in this behalf to remove a particular man from a railway compartment. But to say that he can call to his assistance 'any person' in removing that man would be to leave it very loose and undefined. It may mean a person who is objectionable to the man removed, he may be his enemy. To give such an extensive power would be open to objection. Specially, "any person" would include a police constable also and we have got experience of police constables and their high-handed methods. Therefore it is better that the words that I have suggested should be put in so that there may be no such difficulty or mischief. I hope this amendment will be considered reasonable and accepted.

Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) Amendment moved

"That in clause 5 of the Bill, in the proposed section 113-A, for the word 'person', occurring in the 16th line, the words 'railway subordinate' be substituted "

The Honourable Sir Andrew Clow: Sir, the main object of this amendment appears to be to exclude a railway servant from having the assistance of the police in these matters. Normally, when a man is asked to leave the compartment under this section, there can be no question of assistance. The man who is travelling without a ticket, if he is an honest man, will get out without any question of a railway servant having to use any force or having to seek assistance of any kind. But my Honourable friend is surely well aware that there is another class of ticketless traveller which is apt to be very turbulent. In fact I think he will recollect a case in Sind in which an unfortunate railway servant who assisted a ticket collector lost his life dealing with a ticketless traveller. If there is an attempt at resistance I do not think there is anybody more suitable than the police to call to their aid and I do not see why a railway servant should be denied that assistance if it is necessary.

Mr. M. S. Aney: Is it the police that is contemplated here or anybody else?

The Honourable Sir Andrew Clow: The Honourable Member will find a somewhat analogous provision in section 132 of the Indian Railways Act where it refers to "any railway servant or police officer or any other person whom such servant or officer may call to his aid".

Mr M. S. Aney: If you want the police that is one thing. But if the railway authority wants the assistance of some passengers in the train or some other people to help him to get this man out, and they refuse to render him this assistance, what is the liability of such people? You seem to create a criminal liability. What will be the position of those people who refuse to help you in removing that man?

Mr. J. H. F. Raper: I would explain, Sir, that there is no obligation imposed on the persons concerned. If they help their help will be welcomed, but there is no provision for any penalty for refusing to come to the assistance of a railway servant under this clause.

Maulana Zafar Ali Khen (East Central Punjab, Muhammadan) Sir, I have not spoken on this Bill yet. I will have my say very soon. But to this particular amendment I will lend my support. In this year of grace,—or shall I say 'disgrace',—1941, battles for the freedom and liberty of mankind are being fought all over the world. The British Government is fighting Germany for obtaining liberty for the whole world. Here, in India, we have got a Legislative Assembly in which we are supposed to represent the views of the public. The Party on the other side may consist of very big men with fat salaries in their pockets of five or six thousand rupees a month. They may have the power of the Defence of India Act at their back and they are able to do anything. It is said of the British Parliament that she can do anything except turn a man into a woman, but here in India they can do that also! From what I have seen yesterday and today it seems to me that their attitude is very unsportsmanlike. Here we are, poor people, 19 in number and there they are 40, and they are fighting with us. We are the elected representatives of the people and whom do they represent? They represent the British Government in all its might and glory. They represent the dreadnoughts, the aeroplanes, the anti-aircraft guns, swords, bayonets, we represent logic and reason. Where is reason and logic? We have seen it today. I may tell you, Sir, that it is no use carrying on this discussion. Rule by ordinance. You have got a Railway Department. Issue an Ordinance that any man who travels without a ticket shall be hanged and suspended by the neck till he dies. And why one year? Why not 14 years? Why not transportation for life? If imprisonment is to be your principle

Mr. President (The Honourable Sir Abdur Rahim) There is no question of imprisonment so far as this amendment or clause is concerned.

Maulana Zafar Ali Khan: I support the amendment moved by Mr Lalchand Navalrai. I was not castigating the Treasury Benches. I was only putting my own views in my own way.

Mr. President (The Honourable Sir Abdur Rahim) It must relate to the amendment before the House.

Maulana Zafar Ali Khan: The amendment before the House is that if a man who enters a railway compartment without a ticket and is detected by a railway servant, the railway servant shall have the power of asking him to get out of the compartment, and if he does not do so, the Railway

servant can ask any man to come to his help Any man may be his enemy, as has been pointed out Any man may be a constable any man may be a sweeper

An Honourable Member: Or a woman!

Maulana Zafar Ali Khan: Any man may be any undesirable person This is very unsatisfactory and, therefore, we should like the Honourable the Railway Member to be a little more sensible Yesterday when I pointed out to him that the consensus of opinion in this country was against this Bill and asked him whether he had received a communication from the Madras Railway Users Association that this Bill was undesirable and should be thrown out, my question was treated with derision by the Honourable gentleman, although he knew that the gentleman sitting next to him, Sri Ramaswami Mudaliar, also came from Madras, and if the whole of Madras came under his derision and the whole lot of them were travelling without tickets, then Sir Ramaswami Mudaliar is one of them also! What did that communication say? It says that the number of travellers who travel without tickets in India in a year is 6 per cent For fifty years you have been carrying on this administration and the heavens have not fallen down!

Mr. President (The Honourable Sir Abdul Halim) The Honourable Member must confine himself to the amendment He will have his opportunity, if he likes, of speaking on the third reading

Maulana Zafar Ali Khan: I am coming to the amendment I was just saying that the punishment is sufficiently deterrent already—one hundred rupees and then a year's rigorous imprisonment They are not desired, The other amendments which you are carrying through in a desperate hurry are undesirable Do what I want you to do, and not do what you can do, because we are the elected representatives of the people, and you know that perfectly well, and if you treat us in this cavalier fashion the whole world will say what it is saying

Dr. P. N. Banerjee They do not care for the opinion of the world!

Maulana Zafar Ali Khan: If you do not care for the opinion of the world, the world does not care for you I support the amendment

Mr. H. A. Sathar H. Essak Salt: Sir somehow, I feel very unhappy about this expression here "any person" It is too wide an expression, especially in view of what has been stated in the House, that this person may be an enemy of the person who has to be removed, or somebody who may not have any good feelings for this man or it may be a woman, as somebody said It is much too wide But as my Honourable friend pointed out, almost the same expression has been used in section 132 of the Railways Act, though I find there is a slight distinction It says there "any railway servant or police officer or any other person" I am not a lawyer, but I think there is a distinction Here there is an obligation to try first a railway servant, then to apply to a police officer and then if he still fails he can ask for any other person I believe that is the interpretation of that wording However, I would like to appeal to my Honourable

[Mr H A Sathar H Essak Sait]

friend to see whether he cannot consider this suggestion and restrict this power, because, this is the first time we are giving this power to railway officials and these are drastic powers where physical force may have to be used to eject people from compartments

The Honourable Sir Andrew Clow: Not normally

Mr H A Sathar H. Essak Sait: Not normally, I agree but if a passenger, when detected without ticket, refuses to get out he may have to be ejected. But this is the first time we are taking this power of ejecting a man from a railway compartment and this may later on lead to very serious complications perhaps riots may occur. Supposing a Brahmin or Pujari is there and a sweeper is asked to help to eject him there is going to be a big row. I appeal to my Honourable friend to see if he cannot restrict this expression and see that it is not open to objection. I, therefore, support this amendment

Dr Sir Ziauddin Ahmad: Sir, on the occasion of the general discussion, I raised this question and I thought that the Honourable gentleman would reply to me when replying to the debate on the consideration motion or at least in the debate on this particular clause the point is this. I wanted him to visualise the case of a person who could not pay the railway fare when demanded and is ejected by undesirable authority and if so what will happen to such a person. Will he be allowed to walk away and do what he likes? Or will he be taken again in the train to a magistrate for trial? If he is allowed to walk away, I do not think you are getting very much farther and you will find it does not pay. If he is taken to a magistrate for trial or taken into police custody, then you will have to take him to a place where police stations exist either at a junction station or district headquarters. But if you take him to a side station, what will happen? Will he be allowed to walk away. Perhaps he will walk to the next station, and get in again. Will he be taken into custody and brought before a magistrate? If you do the latter, then he will necessarily have to be brought in the railway train to a place where there is a police station and a magistrate to try him and he must travel without a ticket to that place. When I put this thing forward in the Select Committee, I was told "No, he has travelled so much and we will not allow him to travel a bit further." I say very good. It really means you allow him to go away and make no attempt to bring him before a magistrate and recover the money. What is the idea in your minds? It appears to me that you have got absolutely no imagination. You do not realise what will happen. The section is silent about what will happen to such persons if they will not pay and we do not know what will happen. We do not know the intention of this particular section. I hope the Honourable Member will explain why this particular section has been created and with what object? In what way he will gain. I would like the Honourable Member to explain the point

The Honourable Sir Andrew Clow: Sir, before you put the question, I would, if I may, answer that question. I have already spoken

Mr. President (The Honourable Sir Abdur Rahim) All right, if it is a personal explanation

An Honourable Member: He cannot speak now as he has already spoken

Another Honourable Member: With the permission of the Chair

The Honourable Sir Andrew Olow: I was willing to answer the question

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member can not have the permission of the Chair to speak twice

Mr. Muhammad Azhar Ali: Sir, I find that in the Railway Act itself, wherever the word 'person' is used, there is some qualifying phrase attached to it. I do not think this expression of 'person' is contained in any other legislation, nor is it used in the way in which it is intended to be used under this clause. I refer to sections 121, 122, 123 and 125 of the Railway Act, and I shall read them one by one

Section 121 says

'If a person wilfully obstructs or impedes any railway servant in the discharge of his duty, he shall be punished with fine "

Now, there is a qualifying phrase—which person who wilfully obstructs or impedes railway servant'

Section 122 says

"If a person unlawfully enters a railway, he shall be punished with fine "

Here also there is a qualifying phrase. One can very easily see who is the person meant

Similarly, sub-section (2) of section 122 says

"If a person so entering refuses to leave the railway on being requested to do so by a railway servant",
and so on

In the same way, section 125, says

"The owner or person in charge of any cattle straying on a railway provided with fencing "

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar. Here also any person who without having obtained the permission. That is the phrase you are referring to

Mr. Muhammad Azhar Ali: No, Sir. There is always a qualifying phrase attached to the word 'person'. When you say that any other person who may be called to aid, there the word 'person' is general. It is not qualified by such a phrase as to give a definite meaning as to what that person is. In the sections I have quoted, it is specially mentioned who that person is. In this case the word is very general and so we want to know why a qualifying phrase should not be attached and use the words 'a railway subordinate'. Where is the harm in using those words? What is the object of excluding a railway subordinate. If it is meant that only a police officer should be called to aid, then it must be clearly mentioned here. Sir, I support this amendment.

Kunwar Haje Ismael Ali Khan (Nominated Non-Official) Sir, the question may now be put.

Mr. President (The Honourable Sir Abdur Rahim). The question is

"That the question be now put "

The motion was adopted

(After the motion was actually adopted, some Honourable Members said "No "

Mr President (The Honourable Sir Abdur Rahim). I said the "Ayes" have it.

Some Honourable Members: "Noes" have it

Mr. President (The Honourable Sir Abdur Rahim) Nobody said "no". The Chair did not hear anybody saying "No" after the Chair had said the "Ayes" have it

The question is

"That in clause 5 of the Bill, in the proposed section 113-A, for the word 'person', occurring in the 16th line, the words 'railway subordinate' be substituted "

The Assembly divided

AYES—18

Abdul Ghani, Maulvi Muhammad
Aney, Mr M S
Azhar Ali, Mr Muhammad
Banerjee, Dr P N
Chittopadhyaya, Mr Amarendra
Nath
Datta, Mr Akhil Chandra
Deshmukh, Mr Govind V
Essak Sait, Mr H A Sathar H
Ghiasuddin, Mr M

Lalchand Navalrai, Mr
Maitra, Pandit Lakshmi Kanta
Muhammad Ahmad Kazmi, Qazi
Murtuza Sahib Bahadur, Maulvi
Syed
Nauman, Mr Muhammad
Parma Nand, Bhai
Rafuddin Ahmad Siddiquee, Shaikh
Zafar Ali Khan, Maulana
Ziauddin Ahmad, Dr Sir

NOES—38

Abdul Hamid, Khan Sahib Shaikh
Ahmad Nawaz Khan, Major Nawab
Sir
Bewoor, Sir Gurunath
Boyle, Mr J D
Buss, Mr L C
Caroe, Mr O K
Chapman Mortimer, Mr T
Chettiar, Dr Rajah Sir S R M
Annamalai
Clow, The Honourable Sir Andrew
Daga, Seth Sunderlal
Dalal, Dr R D
Dalpat Singh, Sardar Bahadur
Captain
Dumasia, Mr N M
Frampton, Mr H J
Griffiths, Mr P J
Gwilt, Mr E L C
Ikramullah, Mr Muhammad
Imam, Mr Saiyid Haider
Ismael Ali Khan, Kunwar Hajee
Kamaluddin Ahmed, Shams-ul-
Ulema

Kushalpal Singh, Raja Bahadur
Lawson, Mr C P
Maxwell, The Honourable Sir
Reginald
Mazharul Islam, Maulvi
Miller, Mr C C
Muazzam Sahib Bahadur, Mr
Muhammad
Mudalali, The Honourable Diwan
Bahadur Sir A Ramaswami
Mukharji, Mr Basanta Kumar
Pillay, Mr T S S
Rahman, Lieut-Colonel M A
Raper, Mr J H F
Rau, Sir Raghavendra
Scott, Mr J Ramsay
Sivaraaj, Rao Sahib N
Spence, Sir George
Staig, Mr B M
Thomas, Mr J H
Tyson, Mr J D

The motion was negatived

The Assembly then adjourned till eleven of the clock on Thursday, the 20th February, 1941

LEGISLATIVE ASSEMBLY

Thursday, 20th February, 1941.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

OUTCOME OF THE EASTERN GROUP CONFERENCE.

102. *Dr. Sir Ziauddin Ahmad: Will the Honourable the Leader of the House be pleased to make a statement on the floor of the House about the Eastern Group Conference, mentioning particularly the following points

- (a) the subjects discussed at the Eastern Group Conference,
- (b) what material gain India derived from this Conference,
- (c) for which articles India was given monopoly of production and how far India will be able to take advantage of such monopoly, if any, and
- (d) in what manner and to what extent new industries will be developed, and our exports increased by virtue of the findings of the Eastern Group Conference?

The Honourable Sir Muhammad Zafrulla Khan: (a) to (d) I place on the table a copy of a Press Note issued by the Government of India before the Conference, and a copy of a statement issued by the Leaders of the Delegations after the Conference ended. I am unable to furnish further information.

WAR SUPPLY PROBLEMS OF EASTERN GROUP COUNTRIES

SCOPE OF DELHI CONFERENCE

Making best use of productive capacity

SEPARATE DISCUSSIONS WITH DELEGATES ON WIDER ISSUES

Preparations are now being made for the reception next month of the Ministry of Supply Mission to India, and for the opening at New Delhi in October of the Eastern Group Conference.

The appointment of the Ministry of Supply Mission to India was announced in a communiqué released by the Ministry on August 27, 1940. The general object of the Mission is to enable India not only to meet her own needs for home defence, but to make an even greater contribution than she does today to the general war effort of the Empire, and in particular to equip and supply the Forces in the Middle East and east of Suez.

It is not always remembered that India was ranked by the International Labour Office of the League of Nations as one of the twelve main industrial countries of the world. It is expected that the Mission, which will consist of five or six members with Sir Alexander Roger as Chairman, and which will have about 15 technical advisers, will carry out an extensive tour of factories in India and will advise His Majesty's Government and the Government of India on the best methods of increasing output. War supply is a specialised business and demands in many cases special

machines, tools and technicians which are getting rather scarce. The Mission will examine existing factory capacity and see how far it can be made available for the production of war supplies. It will also consider the possibility of expansion in relation to the existing and potential output of the other Empire countries in the Eastern hemisphere. The Mission has been appointed by the Ministry of Supply and not by the Government of India.

The Eastern Group Conference, for which the Ministry of Supply Mission will be available, will include representatives of Australia, New Zealand, South Africa, Southern Rhodesia, Burma, Hongkong, Ceylon, Malaya, and the territories covered by the East African Governors' Conference in addition to India.

The object of this Conference is not a general economic discussion, but the settlement of a joint war supply policy for the Eastern Group under which the maximum use will be made of the existing and potential capacity for war supply of each participant. It is hoped that the policy settled will make the countries of the Eastern Group as far as possible self-supporting for war supply purposes, the deficiencies of one participant being made good from the available or potential resources of the others. Any surplus production would of course be available to the general war effort of the Empire. It is considered desirable that the Empire countries east of Suez should be in a position to support themselves as much as they possibly can without calling either on the United Kingdom or other countries.

It is hoped that the Conference may result in the establishment of a Standing Committee representative of the participating countries, whose duty it will be to see that the decisions of the Conference are carried out.

Defence and Civil needs

The deliberations of the Conference will have to be limited to war supply problems, including the essential needs of the civil population of any participating country where these constitute a war supply problem. It would be impossible for the Conference to range over the entire commercial and economic field, for the object in view is to settle quickly the measures necessary to a co-ordinated war effort.

It is impracticable, however, to draw a sharp dividing line between defence and ordinary civil needs. Thus, shell production is a purely war supply problem while the manufacture of cigarettes, for example, could be regarded in the light of a war problem with an important bearing on the needs of the civil population. Similarly there are many other commodities the consumption of which is shared between the defence forces and the general population. The representatives of the different countries will be invited by the Commerce Department to discuss the capacity of their countries for production, especially industrial production, and their needs arising from the cutting off of many former sources of supply.

Collaboration—not competition

The keynote of these discussions outside the Conference will be collaboration rather than competition and the conversations will take the form of an exchange of information, but will have nothing of the character of trade negotiations as these are ordinarily understood. If there is any reference to tariffs at all it will only be incidental, but the information exchanged will be of the greatest help to the Governments who are taking part in determining the future development of their trade control policies.

Except for problems concerning which the war supply aspect is predominant these conversations will be conducted outside the conference proper and will be under the aegis of the Commerce Department of the Government of India. There is reason to hope that delegates will welcome the opportunity for such discussions on the side issue, indeed, one Government in accepting its invitation gave a clear pointer in this direction.

In this connection the activities of the Board of Scientific and Industrial Research will be explained to the delegates, but what is of more immediate importance is the statement of India's productive capacity as it already exists, particularly in the industrial field. Chambers of Commerce and Directors of industries will be asked to help by supplying information about industries which are already at work, with particular emphasis on those which are producing goods that were formerly obtained from enemy countries, and about those which have a surplus capacity. Such help will be especially useful in the case of the numerous industries that have built themselves up without seeking Government assistance in the way of protection or the like, so that official investigations into their position have not had to be made.

The Chambers will also be asked to assist in compiling statements of India's own needs in the way of imported products, especially those of which the foreign sources of supply have been cut off and not replaced by internal production

Commercial Interests

It is probable that as the conversations outside the regular Conference proceed, the Government of India may request industrialists or commercial interests to advise them on specific issues that may develop as a result of the conversations. This, however, must be left as a probable development and cannot be decided upon in advance of the discussions with the other delegates. It follows that it is impossible, merely on the assumption that such conversations will take place and will take a certain course, to associate non official representatives of general Indian commerce and industry with the main Conference itself, the scope of which is too limited to make such association appropriate

Too much is not to be expected from these conversations in the way of an immediate expansion of exports to, or imports from the other countries taking part. They should, rather, be regarded as paving the way for progress elsewhere. When it is known what markets offer the best opportunities, it will be easier to give proper direction to those operations for the stimulation of exports which must always be conducted in the countries where the markets are situated, as by Trade Commissioners, Trade Missions and publicity campaigns. The information will also be helpful in preparing for such trade negotiations conducted on a bilateral footing, as may follow.

EASTERN GROUP CONFERENCE

Statement for the Press

With the meeting of the 25th November, 1940, the deliberations in Delhi of the Eastern Group Conference come to an end, but the work which those deliberations have been designed to forward may be said only now to have been begun. The discussions that have taken place and the contacts that have been established have been of the greatest value. Our report will, we trust prove to be the starting point of an intensive industrial war effort of very great importance. It is difficult to overestimate the value to the countries represented of the opportunity we have had of examining supply problems affecting the countries of the Eastern Group, and of considering how best war effort can be forwarded over an area of such profound importance. Between them, Australia, New Zealand, South Africa, India, Southern Rhodesia, Kenya, Uganda, Tanganyika, Northern Rhodesia, Nyasaland, Zanzibar, Burma, Ceylon, Malaya, Hong Kong, and Palestine, have a population of 416 millions, and their combined imports and exports amount to over £1,300,000,000. Australia is already all out on an immense programme. India and South Africa are both on the same way and the various other participants are ready and willing to take orders for munitions of all kinds and use such machine tools and facilities as they have in their countries. Already the interchange of information between the several Delegations has brought to light important facts and promising opportunities of which most of us at the opening of our proceedings were entirely unaware, while during the weeks that we have been together it has already been possible, by correlating surpluses in equipment with existing requirements, to supply important deficiencies without waste of time, or undue call on shipping space.

2 The Report which we have prepared embodies our conclusions. But the work which the Conference has begun cannot end with the submission of our Report, for a report can do no more than make recommendations and indicate possible lines of enquiry. It is for that reason that we have recommended the appointment in India of a representative standing body, which would continue the work of the Conference and, within a defined field, co-ordinate supply, plan production and assist in arranging new sources of production. Such a body cannot be established by the Conference itself. For our recommendation, like all other recommendations included in our Report, is a matter for the consideration and decision of the participating Governments, though it is our hope as a Conference that our proposals will meet with their support and acceptance.

3 We feel strongly however, that it will not be in the public interest, or in the interest of furthering war effort that while our recommendations are under consideration the Secretariat organization placed by the Indian Government at the disposal of the Conference and already in being should be wholly dispersed. Pending a decision by the Governments concerned as to the establishment of the representative

standing body which we have proposed it remains important that there should be some temporary machinery to collect and to transmit information to deal with the records of the Conference to handle enquiries relating to the Conference and to its recommendations promptly and adequately and above all to preserve continuity between our work and any representative standing body that may be established which will of course set up its own Secretariat and organization apart from the Indian Government. We have carefully considered how best to ensure this. Few of the Delegations are in a position to leave any of their members behind them in India. In the first place no Delegation is in a position to commit its Government to the acceptance of any particular recommendation of the Conference. Apart from that many of the members of the Conference have urgent and important work to do in their own countries where each as his first duty will report to his Government upon the particular subjects with which he has been specially concerned during the work of the various Committees of the Conference. In these circumstances we have requested the Government of India to retain for the present such portion of the Conference Secretariat as may be needed for the purposes we have mentioned above pending a decision on the establishment of the representative standing body proposed. We are glad to say that this recommendation has been accepted by the Government of India.

4 The Prime Minister of the United Kingdom in the inspiring message which he addressed to us on the opening day of our session bade us look forward to the day when forces created by our efforts both east and west advance together for the final overthrow of the powers of evil. Our object has been again in the Prime Minister's words to plan the more effective mutual integration of the resources of all our Governments in the Eastern Hemisphere. We realize to the full that in the short time available to us we may have fallen short in many respects of the ideal which we set ourselves. But we feel no doubt that this assembly of representatives of so many widely scattered Governments can hope to make a contribution of real value to the furthering of war effort. The problems we have had to deal with have been of great importance and great complexity. We have done our best to take full advantage of the opportunity we have had. We are well aware that there may be many respects in which the proposals we have put forward will call for further scrutiny for modification. But we are confident for all that that the work of this Conference the contacts established during it and the greater understanding which emerges from it of the difficulties and the potentialities of all the participating countries will be of deep and real significance and value in the prosecution of the war and the attainment of the ideals which are common to us all. And throughout our deliberations we have been profoundly conscious that having regard to the general war position speed in execution is a first essential in all that we have sought by our labours to forward.

WALTER MASSY GREFFE

PAW TUN

H J HUXHAM

G C S COREA

PHILIP MITCHELL

D J SLOSS

MUHAMMAD ZAFRULLAH KHAN

H NORTH HUNT

ALEXANDER ROGER

I DUGAN MAJOR GENERAL

G WALSH

F R G HOARE, MAJOR GENERAL

F E HARRIS

EXPENDITURE ON THE EASTERN GROUP CONFERENCE.

103. *Dr. Sir Ziauddin Ahmad: Will the Honourable the Leader of the House be pleased to state the total amount of money spent on the Eastern Group Conference? Was the sanction to this expenditure obtained from the Standing Finance Committee of this House? If not, why not?

The Honourable Sir Muhammad Zafrulla Khan: The total expenditure on the Eastern Group Conference was approximately Rs 2,15,000.

As this was expenditure connected with the war which has been classified by the order of the Governor General in Council as "Defence" under Section 67A (3) VI of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, no reference to the Standing Finance Committee was made or was necessary.

Dr. Sir Ziauddin Ahmad: May I know whether this sum of Rs 2,15,000 is the share of India, or the total expenditure of this Conference?

The Honourable Sir Muhammad Zafrulla Khan: It is debitable to Central Revenues.

Mr. Lalchand Navsrai: May I know if all the expenses are incurred by the Government of India, or by all the Governments who have sent delegates?

The Honourable Sir Muhammad Zafrulla Khan: No, Sir. The delegates of the different countries or then Governments paid their passages to India and back.

CONTRACTS GIVEN BY THE ORGANISATIONS UNDER THE SUPPLY DEPARTMENT

104. *Dr. Sir Ziauddin Ahmad: Will the Honourable the Leader of the House be pleased to lay on the table of the House a statement showing the names of the firms or individuals to whom the contracts were given (from 1st September, 1939, till 15th January, 1940) by any organisation under Supply Department (including Indian Stores Department, Director of Contracts and the Munition Board) and the following particulars

- (a) the names and addresses of the firms,
- (b) the Province or the Provinces where the firms operate,
- (c) the names of article or articles for which contract was given,
- (d) the amount for which the contract was given,
- (e) the total amount for which the contracts were given,
- (f) the value of the contracts given to Indians, and
- (g) the value of the contracts given to Muslims?

The Honourable Sir Muhammad Zafrulla Khan: Presumably the date 15th January, 1940, given by the Honourable Member in his question is an error for 15th January, 1941. I propose to give information upto the 15th January, 1941, if that suits the convenience of the Honourable Member.

The value of orders placed by the Indian Stores Department and the Contracts Directorate from 1st September, 1939, to the 15th January, 1941,

amounted to rather over Rs 81 crores. In addition to these, the Timber Directorate of the Supply Department placed orders during the same period for Indian timber worth just over Rs 2 crores. The commodities covered by the orders are so numerous and the number of firms, etc., so large that the compilation of information in the manner required by the Honourable Member would in Government's opinion take more time and entail more labour than is warranted.

Dr. Sir Ziauddin Ahmad: If the Honourable Member is not prepared to lay a statement just now before the House, will he lay it before the Supply Advisory Committee, because these are important matters from our point of view?

The Honourable Sir Muhammad Zafrulla Khan: The time required and the labour entailed would not be less whether the statement is compiled for the benefit of the House, or for the benefit of the Committee.

Dr. Sir Ziauddin Ahmad: I can assure the Honourable Member that the information that will be supplied to us will be of much greater value than the money that will probably be spent in the preparation of this statement. That is our point of view.

The Honourable Sir Muhammad Zafrulla Khan: I am glad to know the Honourable Member's point of view.

Dr. Sir Ziauddin Ahmad: Will he respect my point of view and give the information?

The Honourable Sir Muhammad Zafrulla Khan: I have noted the Honourable Member's point of view. There was no question.

Dr. Sir Ziauddin Ahmad: This will be of great value. I should like to have this information before I make my speech on the Finance Bill.

The Honourable Sir Muhammad Zafrulla Khan: It is physically impossible, however desirable it might be, to compile the information before the Honourable Member proposes to make his budget speech.

Dr. Sir Ziauddin Ahmad: Can the Honourable Member reply to this question? If I limit the amount of contract to a certain amount, so that it can eliminate in this way a very large number of small items of contract will the Honourable Member be able to give me the information?

The Honourable Sir Muhammad Zafrulla Khan: It would depend upon where the Honourable Member draws the line.

ORDINANCE ABOUT THE COFFEE INDUSTRY PUBLISHED ON THE 14TH DECEMBER, 1940.

105. *Dr. Sir Ziauddin Ahmad: (a) Has the attention of the Honourable the Commerce Member been drawn to the Ordinance No XIII of 1940, published on 14th December, 1940, about the coffee industry?

(b) Will Government now collect any cess on coffee while the ordinance is in force?

(c) Do Government intend to introduce a Bill in the present Session of the Assembly for the protection of coffee industry?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes

(b) Yes The attention of the Honourable Member is invited to section 11 of the Coffee Market Expansion Ordinance, 1940, a copy of which is in the Library of the House

(c) No

Dr. Sir Ziauddin Ahmad: May I take it that now-a-days it is easy for the Government to pass Ordinances as it is easy to get a Bill passed? Why has not the Honourable Member brought forward a regular Bill?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: This Ordinance was an emergent measure, because the coffee crop began to move into the market on 1st December. There was no time to take the advice of the Legislative Assembly. Not only that. The whole of the coffee industry pressed that if for any reason it was not possible during the time the Assembly was in Session to pass a Bill, they should immediately enact an ordinance before the crop comes into the market. Honourable Members will notice from the duration clause of the ordinance that this ordinance expires in August 1941 so that if a similar provision is necessary for the next crop I certainly intend to place a Bill before the House for its scrutiny.

Dr. Sir Ziauddin Ahmad: In view of the fact that it is now up to August, 1941, it was very easy to pass a Bill in February, 1941, so that the ordinance could have been passed only until the time the Assembly began its Session?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The duration of the ordinance must begin from December and it practically comes to a close by March. As a matter of extra precaution we have extended the time to August.

Mr. Lalchand Navalrai: May I know if the coffee propaganda is still going on by opening offices in the various places?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I hope so, Sir. But the matter is entirely within the jurisdiction of the India Coffee Cess Committee and I have reason to believe that that propaganda is going on.

Dr. Sir Ziauddin Ahmad: In view of the fact that if legislation is done by means of a Bill, this House will have an opportunity of expressing its opinion which it cannot do in the case of an ordinance, will the Honourable Member now consider that there should be no extension of the operation of the ordinance? If it is necessary to have the provision extended, then it must be done by means of a Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I can only speak for this particular ordinance. This ordinance comes to an end in August, 1941. If the industry wants this provision to be extended, it is my desire to put this in the form of a Bill before the House.

**OFFICERS IN THE INSPECTION DEPARTMENT OF THE INDIAN STORES
DEPARTMENT.**

106. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Law Member please state how many officers there are at present in the Inspection Department of the Indian Stores Department and how many of them are Muslims?

(b) How many appointments were made since 1934?

(c) Were these appointments made according to the Resolution of the Government of India, 1934, which fixed 25 per cent of the posts for Mussalmans?

(d) In case Government did not observe the ratio of 25 per cent, will the Honourable Member be pleased to state the reasons for not observing the instructions of the Home Department of the Government of India?

The Honourable Sir Muhammad Zafrulla Khan: (a) 58, of whom 12 are Muslims. These figures do not include the officers employed in the Government Test House and the Industrial Research Bureau, which do not now form part of Indian Stores Department.

(b) 31, excluding the appointments made in the Government Test House and the Industrial Research Bureau.

(c) The orders regarding the reservation of posts for minority communities as laid down in the Home Department Resolution of the 4th July, 1934, were not extended to technical gazetted posts in the Indian Stores Department till the 24th August, 1938. Since then 21 appointments were made out of which seven went to Muslims.

(d) Does not arise.

Dr. Sir Ziauddin Ahmad: May I know whether the Honourable Member has satisfied himself, or whether he can satisfy us that in all the appointments which are not included in this list, the provisions of the Home Department Resolution of 1934 were observed?

The Honourable Sir Muhammad Zafrulla Khan: I have no knowledge with regard to appointments which are not included in my reply to the question.

**DRIVE FOR GREATER MUNITIONS PRODUCTION AND TAKING BUSINESSMEN
INTO CONFIDENCE BY GOVERNMENT FOR THE PURPOSE.**

107. *Mr. Govind V. Deshmukh: (a) Will the Honourable the Law Member please state if Government are aware that a joint deputation of the United Provinces Merchant's Chamber and the Provincial Chamber of Commerce interviewed Sir Alexander Roger, Chairman, British Ministry of Supply Mission, at Cawnpore in December last and that he fully shared the deputation's view that businessmen should be taken into confidence by Government in their drive for greater munitions production?

(b) Do Government share the same view? If so, how and in which respects is it enforced?

The Honourable Sir Muhammad Zafrulla Khan: Government have no information regarding the deputation referred to, but I would invite the Honourable Member's attention to a Press Note issued on the 18th October.

1940, a copy of which is in the Library of the House, announcing the appointment of a Committee of six gentlemen connected with the Iron and Steel and Engineering Industries to advise the Director General, Munitions Production, on major munitions production problems. Since its appointment the Committee has met at regular intervals under the chairmanship of the Director General, Munitions Production, who takes the Committee into his full confidence.

Mr. Govind V. Deshmukh: What is the reply to part (b)?

The Honourable Sir Muhammad Zafrulla Khan: I said that Government have no information regarding the deputation referred to, and, therefore, part (b) does not arise.

SIGNIFICANCE OF THE NEW DESIGNATION OF THE REPRESENTATIVE OF THE GOVERNMENT OF INDIA IN THE UNION OF SOUTH AFRICA

108. *Mr. Govind V. Deshmukh: (a) Will the Education Secretary please state if it is a fact that the Government of India have decided that their representative in the Union of South Africa should be designated as the High Commissioner for India in the Union of South Africa?

(b) What led to this change in the designation of the representative?

(c) Is he now to look after the interests of the Union of South Africa? If so, which are the matters entrusted to him by the Government of the Union of South Africa?

Mr. J. D. Tyson: (a) Yes. The attention of the Honourable Member is invited to the Press Communiqué dated the 21st December, 1940.

(b) The change arises from agreement between the Government of India and the Union Government that the former should have in South Africa a sole representative through whom all communications should pass.

(c) The answer to the first part of the question is in the negative. The second part does not arise.

Sir F. E. James: What relation, if any, would the Indian Trade Commissioner in Mombassa bear to the High Commissioner for India in South Africa?

Mr. J. D. Tyson: None at all.

Sir F. E. James: May I take it that the High Commissioner for India in the Union would be the person responsible for the trade part of any representations we may make in that country?

Mr. J. D. Tyson: Yes, Sir, he will be the sole channel of communication with the Union Government.

Mr. N. M. Joshi: What exactly is the difference in status and functions as between the High Commissioner and the Agent General that we had before?

Mr. J. D. Tyson: There is a definite diplomatic status accorded to High Commissioners and we regard this change as raising the status of the post.

Mr. N. M. Joshi: What is the difference in functions?

Mr. J. D. Tyson: As regards functions, he will be the sole channel of communication in regard to all matters of any interest between the Union of South Africa and the Government of India instead of being confined, as hitherto, to matters arising out of the Cape Town agreement

Mr. M. S. Aney: What more responsibilities will be carried and duties performed by the High Commissioner which could not have been borne or performed by the Agent General?

Mr. J. D. Tyson: The Agent General was appointed, in his original title of Agent, to help to implement the Cape Town agreement and his duties were really confined to matters arising out of that agreement,—largely matters affecting the uplift of Indians in South Africa. The High Commissioner also will have the right to make representations on behalf of the Government of India in those matters, but in addition he will be able to handle on behalf of other departments of the Government of India matters that they wish to raise with the Union Government

Mr. Govind V. Deshmukh: And what are the particular matters to be referred by the Union Government to the Government of India through this High Commissioner?

Mr. J. D. Tyson: May be anything

Mr. Govind V. Deshmukh: Are these not defined?

Mr. J. D. Tyson: For any matter that they wish to take up with the Government of India they can use the High Commissioner as the channel of communication

Lieut.-Colonel M. A. Rahman: Has the prestige of India been enhanced by this change in the name?

Mr. J. D. Tyson: We think so, Sir, and the Prime Minister of South Africa evidently thought so because he took the trouble to telegraph a message of congratulation to the Viceroy, the Government of India and the people of India on the enhancement of status

Mr. M. S. Aney: Is it likely to affect the salary or any allowances of the High Commissioner?

Mr. J. D. Tyson: There is no difference in his emoluments

TRADE MISSIONS TO, OR TRADE AGREEMENTS WITH, OTHER COUNTRIES

109. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state whether as a result of the deliberations of the Export Advisory Council any decision has been arrived at by Government to send trade missions to, or enter into trade agreements with any country or countries? If so, which are those countries?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The matter is under the active consideration of the Government of India

Mr. Govind V. Deshmukh: What is responsible for the delay in taking action in this matter?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: This is a matter in which either a trade mission can be sent or a trade agreement arrived at only after consultation with the Government at the other end, and in these days that consultation does take some time

Mr. Govind V. Deshmukh: Do I understand that negotiations are going on?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I can only repeat my answer that the matter is under active consideration

PERMANENT STANDING COUNCIL OF THE EASTERN GROUP CONFERENCE.

110. *Mr. Govind V. Deshmukh Will the Honourable the Law Member please state

- (a) if a permanent standing council has been set up, or is being set up, by the Eastern Group Conference,
- (b) whether Indian States have been given or will be given representation on it, and
- (c) the names of those Indian States?

The Honourable Sir Muhammad Zafrulla Khan: (a) A Council called the Eastern Group Supply Council is being set up for the duration of the War by His Majesty's Government in the United Kingdom in consultation with the Governments of the Empire countries which took part in the Eastern Group Conference

(b) India is being represented, there is no separate representation for Indian States

(c) Does not arise

Mr. Lalchand Navarai: Will the Government of India have to pay towards the establishment?

The Honourable Sir Muhammad Zafrulla Khan: I imagine so, they will have to bear a share of the cost

Dr. Sir Ziauddin Ahmad: Will the Indian States who are not represented on this Council be invited to advise on matters in which they are interested?

The Honourable Sir Muhammad Zafrulla Khan: Invited by whom?

Dr. Sir Ziauddin Ahmad: Invited by the executive of this organisation which has been set up

The Honourable Sir Muhammad Zafrulla Khan: The organisation will decide that for itself.

Mr. Govind V. Deshmukh: Will there be any more meetings of this Eastern Group Conference?

The Honourable Sir Muhammad Zafrulla Khan: That is a speculation which I am unable to enter upon

Dr. Sir Ziauddin Ahmad: What will be the relation between the Government of India and this organisation?

The Honourable Sir Muhammad Zafrulla Khan: The relation of the Government of India with the Eastern Group Supply Council will be the same as the relation of the Dominions participating in this Council. India will have a representative on it just as the other participating countries.

Mr. Lalchand Navarai: May I know if this Assembly will have anything to do with their actions?

The Honourable Sir Muhammad Zafrulla Khan: I do not think so, and I hope not. The Supply Council is not a part of the Government of India.

NEGOTIATIONS WITH COLONIAL DELEGATES OF THE EASTERN GROUP CONFERENCE ABOUT REMOVAL OF DISABILITIES OF INDIAN NATIONALS IN COLONIES

111. ***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands, please state if Government took advantage of the presence of the delegates from the Colonies attending the Eastern Group Conference, to open negotiations to remove restrictions and disabilities legal as well as administrative, on Indian nationals and domiciled Indians in the Colonies? If so, with the delegates of which colonies and with what result?

Mr. J. D. Tyson: The scope of the Eastern Group Conference was limited to questions affecting war supplies and the personnel attending it was selected with this in view. No formal negotiations, therefore, took place with delegates attending the Conference.

USE OF WATTLE BARK FOR TANNING PURPOSES

†112. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Education Secretary please state whether Government are aware that they purchased large quantities of wattle bark for tanning purposes?

(b) Is wattle bark more useful for tanning than babul bark?

(c) If the answer to part (b) be in the affirmative, what steps have Government taken to encourage the growth of wattle trees?

The Honourable Sir Muhammad Zafrulla Khan: (a) About 7,500 tons of wattle bark were purchased by the Government of India from South Africa in 1940 as a reserve to safeguard the Indian tanning industry against possible interruption of supplies from overseas.

(b) For tanning some classes of leather (e.g., kips) wattle bark is more suitable than babool bark, for other types of leather either bark may be used and tanners give preference to whichever is cheaper in use.

†Answer to this question laid on the table, the questioner having exhausted his quota

(c) This is primarily a Provincial concern but I may add for the information of the Honourable Member that all the useful species of Wattle have already been introduced into India and its most valuable variety, viz, *Acacia decurrens*, is being grown successfully in the Nilgiris, where there are a number of small plantations

GRIEVANCES OF THE GOVERNMENT OF INDIA PRESS EMPLOYEES AT CALCUTTA

†113. *Mr. Amarendra Nath Chattopadhyaya* (a) Will the Honourable the Labour Member please state whether it is a fact that Mr. Mrinal Kanti Bose of the *Amrita Bazar Patrika* of Calcutta wrote a letter to the Honourable Mr. M S A Hydari, C I E, I C S, Secretary to the Government of India, Labour Department, dated the 28th December, 1939, mentioning a number of grievances, and also attached to it some memorials concerning the employees of the Government of India Press at Calcutta?

(b) If the answer to the above be in the affirmative, will Government be pleased to state what steps have been taken to remove the grievances? If none, why not?

(c) Will Government be pleased to state the grievances mentioned in that letter? Will Government be pleased to place on the table a statement showing the contents of the letter?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) Yes, but the communication referred to was dated the 19th December, 1939

(b) The alleged grievances were fully considered by Government who came to the conclusion that no action was called for, except that the position of certain labourers who had served in a temporary capacity for a number of years called for improvement. Orders were accordingly issued sanctioning the transfer of a number of such posts to the permanent establishment.

(c) The grievances related to certain classes of employees of the Government of India Press, Calcutta, viz, compositors, section holders, binders, labourers and mono-casters. Government do not propose to place on the table a statement showing the contents of a letter which was a personal one.

GRIEVANCES OF THE GOVERNMENT OF INDIA PRESS EMPLOYEES AT CALCUTTA

†114. *Mr. Amarendra Nath Chattopadhyaya*: (a) Will the Honourable the Labour Member please state whether it is not a fact that at a conference held in Calcutta in November, 1939, between Sir Abdul Halim Ghuznavi, Member, Legislative Assembly (Central), Mr. Mrinal Kanti Bose of the *Amrita Bazar Patrika*, of Calcutta and President, Press Employees' Association, and Mr. M. Guha, General Secretary, Press Employees' Association, representing the press workers, on the one hand and the Honourable Mr. M S A Hydari, C I E, I C S, and the Controller of Printing and Stationery representing the Government, on the other, the former were given an assurance that the grievances of the piece-workers as well as salary workers of the Government of India Press at Calcutta, would be removed?

Answer to this question laid on the table, the questioner being absent

(b) Is it not a fact that after the conference in November last, the Controller of Printing and Stationery passed several orders, *viz.*, (i) taking away the lighter work (hour work), which the workers had so long been performing from the older hands resulting in a severe reduction in their earnings as well as pensions, (ii) stopping the employment of the piece-workers on gazetted holidays with pay, as had so long been done (*vide* Government resolution No F 199-R L/28, dated the 8th September, 1928, Finance Department)?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state the reasons for which the Controller has passed such orders?

(d) Will Government be pleased to state what steps, if any, have been taken to fulfil the assurance given to the representatives of the press employees at the conference held in November, 1939?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) At the conference referred to by the Honourable Member it was explained to the satisfaction of Sir Abdul Hahni Ghuznavi and the President of the Bengal Press Employees' Association that the alleged grievances of the employees of the Government of India Press had no foundation. There was thus no occasion for any assurance in regard to the removal of those grievances. The Government are, however, always prepared to consider any grievances which are brought to their notice through the proper channel.

(b) I understand that after the conference certain instructions were issued by the Controller of Printing and Stationery to the Manager, Government of India Press, Calcutta, with a view to ensure the appropriate distribution of work among compositors. The figures furnished by the Controller do not indicate that there has been a fall in the average monthly earnings of the compositors as a result of those instructions. As regards the second part, the reply is in the negative.

(c) and (d) Do not arise.

RETIREMENT OF GOVERNMENT OF INDIA PRESS PIECE-WORKERS BEFORE REACHING THE MAXIMUM OF THEIR SCALES OF PAY

†115. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Labour Member please state whether it is a fact that the salary hands of the Government of India Presses receive regularly the scheduled increments in their salary?

(b) Is it a fact that the above mentioned workers receive after their retirement full pension?

(c) Is it a fact that the piece employees of the Government of India Presses do not get increment in the same regular manner as the salary hands?

(d) Is it a fact that most of the piece-workers have to retire long before they attain the maximum of their scale of pay?

(e) If the reply to the above parts be in the affirmative, will Government be pleased to state the reason therefor?

†Answer to this question laid on the table, the questioner being absent

(f) Do Government intend to take any steps to remove the above-mentioned grievances of the piece-employees?

(g) Will Government be pleased to state the number of the piece-employees who have retired during the last two years and the class in which they were at the time of retirement? Will Government be pleased to state the maximum class rate they were entitled to?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) Yes, provided their work is satisfactory

(b) Not necessarily

(c) The system of payment to piece-workers and salaried hands is different

(d) Government have no information

(e) and (f) Do not arise

(g) No No such record is maintained in my department

RETIREMENT OF GOVERNMENT OF INDIA PRESS SECTION-HOLDERS BEFORE REACHING THE MAXIMUM OF THEIR SCALES OF PAY

†116. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Labour Member please state whether it is a fact that the Government of India (Department of Industries and Labour) fixed the salary of the section-holders in the Government of India Press at Rs 125—5—175 at Calcutta and at Delhi at Rs 100—5—150?

(b) Is it not a fact that the workers in the said branch of service do not actually reach the maximum salary?

(c) Is it not a fact that in all other Departments of the Government, the employees enjoy the maximum salary for some time before retirement?

(d) If the reply to parts (b) and (c) be in the affirmative, will Government be pleased to state the reasons for the section-holders in Government of India Presses not reaching their maximum?

(e) Will Government be pleased to state how many section-holders retired before they reached the maximum of the scale?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) Yes, in the case of those who were in service prior to the 16th July, 1981

(b) No

(c) Not always

(d) Does not arise

(e) I regret that I cannot undertake to collect the information asked for by the Honourable Member as it would involve an amount of time and labour disproportionate to the result

RAISING OF THE SCALE OF PAY OF GOVERNMENT OF INDIA PRESS COMPOSITORS.

†117. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Labour Member please state whether it is a fact that the Government of India fixed the new scale of the salary of the compositors in the Government of India Press at Rs. 30—65?

† Answer to this question laid on the table, the questioner being absent

(b) Is it a fact that before the revision of scale of pay in 1920, the compositors' scale of pay was Rs 15—42, that of the assistant section-holders was Rs 25—35, that of the section-holders Rs 40—50 and copy-holders' remuneration was Rs 13-8 (fixed)?

(c) Is it not a fact that in the scale of pay, as revised in 1920 the compositors' grade was fixed at Rs 35—125, that of assistant section-holders at Rs 90—98, that of copy-holders at Rs 40—60, and that of the section-holders Rs 125—175?

(d) Is it not a fact that the new scale of pay of the section-holders has been fixed at Rs 100—150 and of the assistant section-holders at Rs 70—90?

(e) If the answer to the above parts be in the affirmative, will Government be pleased to state why the scale of compositors was not raised? Do Government propose to raise it? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar.

(a) On the assumption that the Honourable Member refers to the Calcutta Press, the reply is in the affirmative

(b) There was no fixed scale of pay for the compositors all of whom were piece-workers. They were paid both on the basis of their outturn at prescribed piece rates and also on the basis of the time allowed in the case of other items of work for which piece rates did not exist. For the latter system of payment the time rates were 18 in number the lowest being four pies per hour and the highest four annas per hour. The rates of pay sanctioned for Assistant Section-holders, Section-holders and Copy-holders were Rs 25—30, Rs 35—60 and Rs 15—25, respectively

(c) No. The time rates as revised in 1920 were as shown below

Compositors—

Lowest rate One anna per hour

Highest rate Eight annas per hour

Assistant Section-holders Rs 40—4—80

Copy-holders Rs 30—2—50

Section-holders Rs 100—5—150

(d) Yes

(e) The scale of pay of salaried compositors, viz., Rs 30—65, which is applicable only to men recruited on or after the 24th December, 1938, is suitable. Government see no justification for raising this scale

RESOLUTION RE APPOINTMENT OF THE CHAIRMEN OF CERTAIN PORT HAJ COMMITTEES AS *EX-OFFICIO* MEMBERS OF THE LOCAL PORT TRUST BOARDS

Mr. President (The Honourable Sir Abdur Rahim) The House will now resume discussion of the following Resolution moved by Sir Abdul Halim Ghuznavi on the 12th February, 1941

"That this Assembly recommends to the Governor General in Council that the Chairmen of the Karachi, Bombay and Calcutta Port Haj Committees be appointed *ex-officio* members of the Port Trust Boards of Karachi, Bombay and Calcutta, respectively."

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh Muhammadan Rural) Sir, the Honourable the Communications Member, who is not here just now, in replying to the debate said

"I have heard no instance during this debate of a Port Haj Committee making any proposal in the interest of Hajis which was not sympathetically considered by the Port Trust."

That is to say, the Honourable the Communications Member wants us to make out a case that the Port Haj Committee's grievances have not been heard or remedied. In reply to my Honourable friend, Maulana Zafar Ali, who said that there was hardly any Muslim representation, he said that that was not correct. I am placing before this House the elected Muslim position in the five Port Trust Boards.

Mr. N. M. Joshi (Nominated Non-Official) Sir, how is the question of Muslim representation on the Port Trusts relevant? This Resolution does not deal with Muslim representation.

Mr. President (The Honourable Sir Abdul Rahim) That is for the House to decide.

Sir Abdul Halim Ghuznavi: In Bombay, there is no Muslim, and, in Karachi, no Muslim. In each of the ports of Madras, Calcutta and Chittagong, there is one Muslim. Sir, I have asked the House to consider the position of trade by Indians and their representation in the various Port Trusts. In all the Round Table Conferences and the Joint Select Committee, my Honourable friends, the Europeans, were particularly anxious that there might be no discrimination against themselves in the trade in this country. I ask if this is not discrimination against the Indians. When we have three-fourths or more of the business, look what is our representation in the various Port Trusts. In Calcutta out of nineteen four elected members represent Indian commercial interests. In Karachi there are only five elected Indians out of fifteen. In Madras four out of fifteen represent Indian interests. In Bombay out of 22, six represent Indian interests. In Chittagong there are four out of eleven.

Now, what is the constitution of the Calcutta Port Trust? I am giving the figures from the Act. You cannot deny this.

The Honourable Sir Andrew Olow (Member for Railways and Communications) I do deny it. In giving these figures the Honourable Member implies that the others are not representing Indian interests. He ought to have given the figures for Indian and European in Bombay. They are not the figures he gave.

Sir Abdul Halim Ghuznavi: I am giving the figures for Calcutta. I have been dealing with Calcutta alone because I have not got Bombay figures in my hand. Out of 19 Port Commissioners in Calcutta there are seven *ex-officio* Port Commissioners all of whom are Europeans.

The Honourable Sir Andrew Olow: No, that is not accurate either.

Sir Abdul Halim Ghuznavi: Correct me if I am wrong. May I complete my sentence? Merely by accident the Agent of the Eastern Bengal State Railway happens to be an Indian.

The Honourable Sir Andrew Clow By accident the Agent of the East Indian Railway happens to be an European

Sir Abdul Halim Ghuznavi: We have asked for nothing more than our proper representation. We have shown that the Muslim representation is practically nil as compared with the trade they carry on. I will give you the statistics of the trade that we carry on and place it on the table of the House after reading it.

Mr. President (The Honourable Sir Abdul Rahim) The Honourable Member's time is up.

Sir Abdul Halim Ghuznavi: Sir, I move that the Resolution be adopted.

Mr. President (The Honourable Sir Abdul Rahim) The question is that the following Resolution be adopted:

"That this Assembly recommends to the Governor General in Council that the members of the Karachi, Bombay and Calcutta Port Harbours be appointed *ex officio* members of the Port Trust Boards of Karachi, Bombay and Calcutta, respectively."

The Assembly divided

AYES—16

Abdoolah Haroon, Seth Haji Sir
Abdullah, Mr. H. M.
Azhar Ali, Mr. Muhammad
Essak Sait, Mr. H. A. Sathar H.
Ghulam Bhik Nairang, Sved
Ghuznavi, Sir Abdul Halim
Habibur Rahman, D.
Muhammad Ahmad Kazmi, Qazi

Muntuzza Sahib Bahadur, Maulvi
Sved
Nauman, Mr. Muhammad
Rafuddin Ahmad Siddiquee, Shaikh
Raza Ali, Sir Syed
Siddique Ali Khan, Nawab
Yamin Khan Sir Muhammad
Zafar Ali Khan Maulana
Ziauddin Ahmad D. Sir

NOES—34

Abdul Hamid, Khan Bahadur Sir
Abdul Hamid, Khan Sahib Shaikh
Boyle, Mr. J. D.
Buss, Mr. L. C.
Caroe, Mr. O. K.
Chapman-Mortimer, Mr. T.
Chettiar, Dr. Rajah Sir S. R. M.
Annamalai
Clow, The Honourable Sir Andrew
Daga, Seth Sunderlal
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain
Dumasia, Mr. N. M.
Frampton, Mr. H. J.
Gidney, Lieut. Colonel Sir Henry
Griffiths, Mr. P. J.
Gwilt, Mr. E. L. C.
Ikramullah, Mr. Muhammad
James, Sir F. E.

Kamaluddin Ahmed, Shams ul
Ulema
Lawson, Mr. C. P.
Maxwell, The Honourable Sir Reginald
Mazharul Islam, Maulvi
Miller, Mr. C. C.
Mudaliar, The Honourable Diwan
Bahadur Sir A. Ramaswami
Mukharji, Mr. Basanta Kumar
Pillay, Mr. T. S. S.
Raper, Mr. J. H. F.
Rau, Sir Raghavendra
Sivaram, Rao Sahib N.
Spence, Sir George
Staug, Mr. B. M.
Thomas, Mr. J. H.
Tyson, Mr. J. D.
Zafarullah Khan, The Honourable Sir
Muhammad

The motion was negatived.

Mr. President (The Honourable Sir Abdul Rahim) The next is the Resolution standing in the name of Sardar Sant Singh.

Sardar Sant Singh (West Punjab—Sikh) I am not moving it, Sir.

RESOLUTION RE APPEALS OF RAILWAY EMPLOYEES

Mr. President (The Honourable Sir Abdur Rahim) The next one is in the name of Dr Habibur Rahman

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural) Sir, Dr Habibur Rahman has authorised me to move the Resolution standing in his name

Mr. President (The Honourable Sir Abdur Rahim) He is not here

Dr. Sir Ziauddin Ahmad: No, Sir

Mr. President (The Honourable Sir Abdur Rahim) Very well

Dr. Sir Ziauddin Ahmad: Sir, I beg to move

"That in view of the unsatisfactory nature of attending to the appeals of the Railway employees, this Assembly recommends to the Governor General in Council to appoint officers of judicial mind and attach them to the offices of the General Managers and of the Railway Board to listen to the appeals of the Railway employees, and to scrutinise the present rule of attending to those appeals "

I know, Sir, that a Resolution of this kind cannot be decided simply by the vote of this House. The Government will please look very carefully into the whole question, and my object in moving this Resolution is to draw attention to those grievances of the railway employees. We are now imposing an additional burden on the railway employees by the Bill which is now before us, and it is very desirable that these railway servants should be thoroughly satisfied so that they may discharge their duties satisfactorily. There is a proverb

"Mazdur Khush-dil Kunal Kar lekh "

"A satisfied labourer does work very well "

If the Honourable Member opposite takes an opportunity to discuss this question with the rank and file of the Department, he will find that nearly every one is dissatisfied with something or the other. I had the opportunity of discussing matters with the railway employees, and I found that they were nearly all dissatisfied. I drew the attention of the Legislative Assembly to this grievance and to the system of appeals on the 24th February, 1934, when I moved a cut motion, and I was then supported very vehemently by my friends, Sardar Sant Singh, Lalchand Navalrai and Sir Henry Gidney, and they all agreed with me that the privilege of appeal, which is a very valuable asset to the employees, was, in practice, a mere farce.

Sir, there is immense dissatisfaction among the subordinates and officers about the system now in force. The Transportation and Loco Superintendents pass orders in consultation with the Divisional Superintendents. The appeal lies with the Divisional Superintendent, but he has already committed himself, and he sends only a printed reply to the person who prefers an appeal. The Divisional Superintendent in listening to the appeals, if he listens at all, consults his subordinates who pass orders. The Divisional Superintendent himself never listens to the complainant at all. If the person is bold enough and has a good case, he appeals to the General Manager, and the General Manager always gives

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only two stereotyped replies,—one is that ‘I have earnestly considered your appeal and do not see any reason to interfere with the orders already passed’ The printed reply is sent to the complainant, the second form or reply is “Mr So and So is hereby intimated that the orders already passed by So and So stand” These are the two kinds of printed replies which are sent to the complainants The aggrieved person may go writing for years, but there will be no response It often happens that the punishing authority imposes further punishment for filing an appeal against the orders

Now, there is something on record which I shall mention later on, which shows a very bad state of affairs,—and that is, a person who had filed an appeal had been punished for filing an appeal The mentality of these officers reminds me of one of the speeches delivered by Sir John Anderson soon after his return from England, and he said at a certain lunch He said that before he came out to this country he was advised by his friends not to read the files, but to pass orders on the notes written by his subordinates He continued the practice for some time, and on one occasion, for the sake of curiosity he looked into a certain file and found to his dismay that the notes written by his subordinates, on the authority of which he was to issue the orders, had nothing whatever to do with the case in question and it was altogether irrelevant, and so he decided to read every word on the file before passing final orders Now, if the advice that was first given to Sir John Anderson is followed by every officer of the Railway Department, then the result will be what my friend, Sir Henry Gidney, said in 1934, namely, that the whole thing hangs upon particular ubiquitous clerk, he is an all knowing man, he knows everything about it, he passes the orders he listens to the appeals, and he is everything I shall recite on the floor of the House several cases, and when you read them you will probably be reminded of the story of the system of administration and the idea of justice that existed in some places—with due respect to my friend, Sardar Sant Singh, I will not mention who these people were

A certain judge went to a village and told the people that they had been fined Rs 10,000 Then the people asked him what faults they had committed The Judge replied that he cannot wait till the actual commission of the crime The imposing of the fine is irrelevant to the commitment of crime The Judge said that he could not wait for the crime, but the fine must be paid forthwith You, Sir, have been the Chief Justice of a High Court and you know very well how these appeals are disposed of I think the House will not be surprised if I tell them that whenever an appeal is filed in the court of any officer, then the officer consults the person who passed the orders of punishment, but he never consults the other side and he never gives him an opportunity of hearing, so that the appeal is decided only on the authority of the person against whom the appeal is filed The only way in which I can prove my case is by laying before the House certain definite cases of appeals I have got a number of these cases which people have sent me I do not want to give the names of the persons concerned because we, in this House, cannot pass orders whether an appeal was or was not justified, but I can give specimens of the nature of the offence and the nature of the orders passed on appeals The first case that I want to cite is this A certain clerk in the office of

Divisional Superintendent, Multan, appeals against illegal supersession. What is the reply? There is no reply, and the appeal is filed with this note, "Futile appeal Filed". No reply was given to the person who applied, but simply with that note the appeal was filed. The next case is important, because it has been admitted by Mr DeSouza also in his report. X was appointed as a S I W on probation. He got written orders that he was appointed on probation. By a mistake of the office he was entered as temporary. The man went on filing appeals. Seven years passed away but he was always appointed temporary, till one person, like Sir George Anderson, who did not follow the advice given by his friends, came in and after seven years, he rectified the mistake. The third case is also an important case because it is recorded in the Railway Board's office. It is an interesting case. A person who was in the Electric Department of some office got an order from his Inspector, "please see me at such and such a time". The man went there at that time. Two other persons were present. They began to talk something against him. Then the Inspector said, "Have you got anything to ask?" "What am I to ask? Please let me know what are the charges against me, what I have come here for?" "*Hukum Adhuk*—discharged. You do not ask questions. I asked you to put questions." In this case the man was fortunate. He applied first to the Agent. He came to me. I thought it was a very good case. I myself wrote a letter to the General Manager about him, "This is rather a bad case of injustice". The General Manager replied to me with the stereotyped letter that he has personally looked into the matter and that he is satisfied with the order. Later on, it was proved that he never looked into the matter and this is on the Railway Board's record.

Mr. M. S. Aney (Berar Non-Muhammadan) What is the year?

Dr. Sir Ziauddin Ahmad: About three years ago, before the present Railway Member took up office. I can tell you everything about it. I am speaking from the file and not on the air.

The Honourable Sir Andrew Clow (Member for Railways and Communications) If the Honourable Member has the facts in front of him, will he kindly tell me the year?

Dr. Sir Ziauddin Ahmad: In this particular case the file is not before me, it is with the Railway Board. If he will give me the file I can give the year.

The Honourable Sir Andrew Clow: If the Honourable Member can give the year, I could find out the file.

Dr. Sir Ziauddin Ahmad: On the floor of the House we do not want to discuss names and other details. I think the year was the end of 1937 or the beginning of 1938.

An Honourable Member: What is the railway? .

Dr. Sir Ziauddin Ahmad: The East Indian Railway. The General Manager never looked into the case at all, but he replied to me twice, "I have looked into the case—orders are right". Afterwards by the orders of

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the Railway Board this man was restored and he was given all the allowances and pay for those months. It was fortunate that by chance his application reached a person of judicial mind who knew what is right and what is wrong. Had this appeal gone to a person having no judicial mind, I think the man would have been condemned for ever. There are two cases about the correction of age. A person filed his matriculation certificate, he filed a baptismal certificate certified by the Lord Bishop of the place which is really a very reliable thing and then he filed a certificate of birth in the case of his first appointment. In spite of all these three certificates, the man could not get his age corrected. If any court cannot agree to the authenticity of these three certificates, I do not know what will happen. There is another case which has appeared just now. The man says, "My age is wrongly entered. I am shown to be younger than my younger brother who is going to retire." The reply was, "You may be older than your younger brother, but we are not concerned with that. This age is on my record and we will follow it."

The next case is that of a man who was discharged because there was some difference in the weightment. But it was proved that there was no difference in the weightment and people never claimed anything. He was suspended in an irregular manner, he took some time to appeal. But luckily he went to the Traffic Manager, and the Traffic Manager restored him. But his assistant, D T S who passed the orders did not allow him to join. He passed his orders incorrectly, there was no justification at all and even when the higher officer passes orders, this D T S says, "No. I am not going to appoint him."

The Honourable Sir Andrew Clow: What is the year of that case?

Dr. Sir Ziauddin Ahmad: 1937 I believe. Now going to other cases, I have got the papers here, but if I mention names, these persons may be dismissed. I can give the year for any particular case, and the railway also.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) Then they will find out who they are.

Dr. Sir Ziauddin Ahmad: Another case relates to a man in a statistical office. Here is a person who has been in continuous service. He was shifted from one place to another in the year 1931 and he was not given the old scale of salary, he was put on the new scale which is against the rule. Again, one man was irregularly fixed in a particular grade. He appealed, but got no reply. Here is another very interesting case. The person fell ill and he informed the Railway authorities of the fact that he was ill. During his illness he was discharged on the plea that he was absent without leave. He informed the officers that he had been ill all the time but nobody even cared to give a reply.

The Honourable Sir Andrew Clow: What year was that?

Dr. Sir Ziauddin Ahmad: I have not got the year here. I have got the original letters with me. I will give it to you later if required. Here is another interesting case. One was working as S M. He reported

against a person for drinking and for that he was deprived of his concession, although he appealed many times to his immediate superiors. All the appeals were rejected without any reason. He has again appealed to the General Manager of the Railway but no reply has yet been received. Simply because he reported against a certain officer, he was punished and nothing was done to the officer.

The Honourable Sir Andrew Clow: What concession?

Dr. Sir Ziauddin Ahmad: He reported against a man for drinking. The concession was that he ought to have been put in the o'd scale. He was put in the new scale. This was the concession.

In the next case, a man wrote to the authorities and no reply came. In the end he was so much disgusted and he wrote 'At whose door should I ring the bell for justice'. The D S wrote that the man must appeal to D M and the D M says that he must appeal to the D S. In this way, he was shoved on from one door to the other and the man did not know what to do. I may tell you that these are not Muhammadans alone. There are Hindus, Christians and others.

There is another case where one man died and his brother was appointed in his place. He has been there for 23 years, but unfortunately, they entered his name as Mata Din, which was the name of the brother who had died. He worked for 23 years and in the end they said there was false personification. He was not really Mata Din and should be dismissed or discharged and his name was removed from the service. He appealed to the D S who said that he was not prepared to alter the orders already passed. In this case an important point arises because it is the Railway administration that put his name as Mata Din, the name of his brother.

Sardar Sant Singh (West Punjab Sikh) Who was more incompetent, the man or the Railway administration?

Dr. Sir Ziauddin Ahmad: This Mata Din is an illiterate person and he could not understand.

Here is another case where one man was dismissed for working under an assumed name. The person was named Muhammad Sher Khan. He had been in service for a long time and, one day, some man reports that the man's name is Sher Khan and not Muhammad Sher Khan. Therefore, on the charge that he put his name in a wrong manner, the man is discharged. The man said that his name really is Muhammad Sher Khan. He filed a certificate from the municipality and filed other certificates but the superior officer said it was a case of wrong personification. In this connection I may tell a story which my Honourable friend, the Communications Member, will enjoy. When he was in Aligarh, he used to write his name in Urdu 'Clow' but the people always read it as 'Kallu'. That was the name by which he was known when he first came to Aligarh. He has now become Sir Andrew Clow and in the same way it may be said that he has also resorted to personification.

Maulana Zafar Ali Khan (East Central Punjab - Muhammadan) Why not spell his name 'Chloe'? Let them who have read Milton enjoy this.

Dr Sir Ziauddin Ahmad: Here is another case which is very interesting. There was an officer with 14 years service. He was charged for travelling without a ticket. An inquiry was held and the man was held to be not guilty. But a charge-sheet was framed against him and he was dismissed. He appealed to the General Manager who ordered his reinstatement but his immediate officer refused to take him back. In one of the letters the Chief Engineer says that the railway have a right not to consider appeals, whether the man has been rightly dismissed or wrongly dismissed. This was actually put down in writing by one of the officers of the Railway that they have a right not to listen to the appeals and it matters little whether a man has been rightly dismissed or wrongly dismissed. If this is the case, is it not fair that the Railway Board should appoint persons with a judicial mind who understand the position?

Now, there is another interesting case here of a person called Wazir. He asked for some leave on account of his wife's illness. The leave was not granted. He went on with his work and there was an abortion and the wife died. He claimed compensation. There was no reply to his appeal and then he was discharged. Again there was no reply to his second appeal and no inquiry was made in his case.

The next case I would like to give is that of a T T I A T T I found a person travelling in the first class. He was also a railway servant. He reported the matter and he was punished for doing so. He filed an appeal. Now, no punishment was given to the person who was found travelling without a ticket in the higher class.

Now, there is another case. A person was found guilty of a charge under section 325 of the Indian Penal Code. He was discharged from service. The conviction was for serious hurt to a person. The quarrel was outside the railway premises and this has nothing to do with the railway. Then according to the rules which he quoted he ought to have been dismissed for this particular crime but there was no reply.

An Honourable Member from the Official Benches: No, no.

Dr Sir Ziauddin Ahmad: This is a question of promotion on which my
12 Noon Honourable friend was very keen. Here is a person who has been complaining that the head clerk does not forward the applications at all for promotion and he has really kept them with him. He has been trying to find out any places where he can go and appeal that the head clerk should not be withholding all his appeals, all his requests for further promotion. This is not the case of a very important gentleman but it came to me with authority, with all the papers. If this is the power exercised by the head clerk of an office to withhold an appeal from any individual for not getting promotion, I think the case is a serious one and requires very careful consideration from the railway people. There is another interesting case. There are certain officers who punish railway servants. Now he appealed to the higher authority and, unfortunately for him, the same person assumed charge of the higher authority and he listened to the appeal in a case on which the judgment was passed by himself. As soon as this case came up for revision, he upheld the punishment. Any person of a judicial mind would have said at once that a person cannot listen to any appeal against his own orders, this is a duty which

ought to have been taken up by somebody else, but he did not do this, he listened to the appeal himself and he enhanced the punishment because in that case the appeal was against his own order

Sir Muhammad Yamin Khan (Agra Division Muhammadan Rural) Because he has become a bigger officer

Dr Sir Ziauddin Ahmad: A person of a judicial mind would have asked some other authority to listen to the appeal. And if he becomes the Railway Agent, probably

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

Dr Sir Ziauddin Ahmad: I have got a few more cases of this kind. Sir, this being the case, there ought to be some kind of judicial officer somewhere who can listen to these appeals and review them to the satisfaction of the subordinates. This is a rather important matter and this is a thing to which I draw the attention of the Honourable Member in charge of Communications. With these words, I move

Mr. President (The Honourable Sir Abdur Rahim) Resolution moved

"That in view of the unsatisfactory nature of attending to the appeals of the Railway employees, this Assembly recommends to the Governor General in Council to appoint officers of judicial mind and attach them to the offices of the General Managers and of the Railway Board to listen to the appeals of the Railway employees and to scrutinise the present rule of attending to those appeals"

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) Sir I rise to support this Resolution, and I do so not with any desire to indulge in destructive but constructive criticism. I think the request made by the Honourable the Mover of this Resolution is a very reasonable and a much needed one. Indeed I go further and say that it is a very urgent one. This demand, Sir, is a hardy annual, unless Government have bad memories, they will recall to their memories many past occasions on which this House has defeated them on this very point. I remember the time when we gave Government a wholesale defeat when we clamoured for a Complaints Committee to be formed and attached either to the Railway Board or on every Railway.

The Honourable Sir Andrew Clow: Defeat the Resolution again

Lieut.-Colonel Sir Henry Gidney: Don't be in a hurry, Sir, just wait and see. Sir, although I have just been interrupted by the Communications Member, I give him the credit for a high sense of sympathy, justice and duty. At the same time I offer him my sympathy whether he takes it or not. In my opinion he is in a most lamentable position for not only is he unaware of what is happening in the lower ranks of the Railways, but sitting in his exalted office, he has no time to spare to enquire into or get this information, the result is that the Honourable the Communications Member, with his high sense of sympathy and justice, is, in my humble opinion, incapable—not because he is really incapable but the force of his work and of circumstances which envelope his high office prevent him from giving the due attention that these subordinate Railway cases merit.

[Lieut.-Colonel Sir Henry Gidnev]

and demand Sir, it is true that there has been some improvement regarding appeals due to the agitation that we have made in this House, but the improvement is not enough—it is a piecemeal policy which, today, still stands in urgent need of complete correction and improvement. I can assure the Honourable Member, mixing as I have done during the last 25 years amongst my constituents employed mainly on the Railways, that there is an enormous amount of discontent among all Railway subordinates who, apart from intimidation are unable, first because of their sense of loyalty and of a sense, ingrained in them, of discipline, to revolt against these orders as Railway Unions do in England. At times this revolt has been so severe that it has taken all one's power to stop it. But I can assure the Communications Member that this feeling of discontent is very widespread, great and very acute, and, I opine, the Honourable Member is unaware of these matters except when he hears what we have to say here, for, he is so full of other more important official matters that he cannot give proper consideration to such minor matters and has to depend on various Railway Administrations. In most cases of punishment, Railway authorities prefer to inflict the punishment of discharge which is a part of the man's agreement. But they hesitate to dismiss him because if they did, they may expose the Railway to legal action and damages in a court of law. Sir, it is said that the Railways stand on the same footing as business concerns and are run in the same way as business concerns are run. In principle I agree, but after all, how is a business concern run? Is it not run by men who are in close human touch with their employees and not by officials as are commonly found on Railways whose treatment to their men can be best described,—“Brutus has spoken, let no dog bark.”

Sir, the human touch no doubt is there, but with the introduction of the Divisional system on Railways, all human touch has gone. There is no time for such a thing as “human touch.” Railway officers are, today, so glued to their office chairs that whenever complaints come to them, they pass them on to their juniors or to the senior subordinates who are responsible for many of these unjust punishments and their word taken despite all contrary evidence in favour of the accused. Sir, I am personally acquainted with more cases than Dr Sir Ziauddin Ahmed has mentioned, but I shall not weary this House with a recital of all those cases. I could and shall quote the names of some of them. In the famous case Dr Sir Ziauddin Ahmad mentioned on the East Indian Railway, I believe the Agent and the Chief Operating Superintendent got their knuckles very badly wrapped because they, without any enquiry, accepted a junior officer's word and judgment. Sir, to get to the Agents and some very high officials with an appeal, is not so easy a matter, for it is easier for a camel to go through the eye of a needle than to get an interview with Agents and some Divisional Superintendents. It is often impossible for subordinates, guilty or otherwise, successfully to tender an appeal to Heads of Departments or the Agent. True it goes through the usual channels, but it is left to the sweet will and pleasure of the higher officer to send it or not, and if it is sent why, the judge and the accuser are one and the same official, and so justice is an absolute farce here. What is the result? The man appeals again. The appeal is withheld. He appeals again and he is told, verbally as a rule, that if he is not satisfied he can seek employment elsewhere or, if he goes on appealing, very serious notice will be taken of his conduct. In short, he

is victimised and threatened with reduction or even dismissal. The man feels he will be damned if he makes any further appeals and so he shuts up and suffers in silence. What control has the Railway Board in such acts of injustice? None. But the Railway Board gives the intensest care and attention to all complaints made by Railway officials. With subordinates what happens is that the Agent depends on his Chief Operating Superintendent. What does he do? He depends on his Divisional Superintendent. What does he do? He relies on his District Officers, who, in turn, are largely guided and influenced by the upper subordinate.

Dr Sir Ziauddin Ahmad: And what he does is the opinion of the clerk.

Lieut.-Colonel Sir Henry Gidney: And the final result is that the Agent or C O P S sees no reason to interfere with the orders passed by the Divisional Superintendent. Do you call this justice? I call it, if not tyranny, at least a complete denial of any defence being heard, except by a mock committee of enquiry consisting of officers junior to the Head who has originally passed judgment and, which I call, rank injustice and the result is nil. No appeal lies beyond the Agent to the Railway Board, and the case is tried and decided on by officials who have not the faintest knowledge of the law of evidence. I go further and say it is tried by officials who naturally are anxious to protect the prestige of their brother officials. The result is that the subordinate has a poor chance of receiving justice in a battle of Justice *versus* Official *Izzat* or prestige. He is prevented from sending an advance copy of his appeal to the Agent—a right which the Railway Board has admitted for subordinates. I know of instances in which men have sent advanced copies of appeals to Agents and, who for having done so, have been threatened with serious consequences. These are but a few of the instances to which Dr Ziauddin Ahmad has referred. Let me take the position of the Company-managed Railways. The Honourable Member in his speech yesterday told us that 97 per cent of the shares of some of these Companies are Government owned. I ask what control has Government over them? I refer to a recent case that happened on the South Indian Railway, a Company-managed line. A Dr Johnson, a European District Medical Officer, about whom I was going to move a motion for adjournment at the last Session of this House was dismissed because he wrote to me truthfully exposing a scandalous action on the part of the Railway Agent and the Home Board. I do not want to go into the lurid details with which I could paint scarlet the floor of this House for it would open a very ugly and unhealthy ulcer regarding the administration of the South Indian Railway. Moreover, I prefer to respect the dead, I refer to an *ex-Agent* of this Railway. But here is an instance in which the Home Board, whatever that may mean—of a Company-managed Railway openly defied all orders of the Railway Board and their own previous orders and appointed a man as Chief Medical Officer of that Railway an *ex-D M O* who was pronounced a misfit and who left the Railway years ago because he failed to pass the efficiency bar as a *D M O*. The Company-managed Railway did this in the face of and against orders of the Railway Board regarding the Public Health qualifications of a *C M O* and in the face of the orders

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of their own Agent and their own Home Board. What happens in such cases? These little tin-Gods of this Company-managed Railway do just what they like and the only appeal is to the Home Board, a collection of retired, antiquated *ex* Railway Agents situated 7,000 miles from India. Government say they own 97 per cent of such Railway companies. Is there no control the Railway Board should have over them? I submit the Railway Board has every right to interfere when the health of the travelling public is endangered by the appointment of such an unqualified C M O as far as a Public Health Degree is concerned. In this particular case Dr Johnson, the senior most D M O on this Railway, reported this irregularity to his Agent and to the Railway Board. No notice was taken. He then communicated to me and I tabled an adjournment motion which was not moved as I had come to an agreement with the Communication Member who, I am glad to say, did write to the Agent of the South Indian Railway but so far with no result. The Home Board I suppose is adamant and this unqualified C M O has taken over his duties. For me bringing this to the notice of the Communications Member, Dr Johnson was first of all transferred to the smallest district and within a few days dismissed from the Railway. Why? For doing the correct thing in exposing an obvious wrong. This is an instance of justice on a Company-managed Railway. I wished my health allowed me to go into greater details of this kind unhealthy case but I prefer to respect the dead *ex*-Agent who, I am told, was mainly responsible for this appointment. The result of my appeal has so far been nil. Whatever they order seems to be a law unto themselves and the Railway Board cannot interfere.

Dr Sir Ziauddin has mentioned some cases about age. I have had a recent case of a Mr Barlett who was the Station Master of Sahibganj which I repeatedly brought to the notice of the Railway Board. It was repeatedly sent to the Agent and he refused to interfere. This man got a baptismal certificate from the Church in which he was baptised. This was rejected and the Clergyman has been made to feel that he is a liar. No recognition was given to that certificate of birth and, accordingly, he was superannuated long before the age of 55. In this case there was no evidence taken, no appeal was allowed and there was no remedy and the man was superannuated. That is the justice these men get in such cases. I refer to another case, the case of a man who was charged with a serious criminal offence. The lower court convicted him. He appealed to the Sessions Court but before that was heard the East Indian Railway authorities dismissed him. The Sessions judge acquitted him but when he applied for reinstatement it was denied him. There was not a vestige of evidence against this man. He was an Engine Driver at Asansol. His is the most scandalous case of injustice I have ever heard in my 25 years work on Railways. Because the Divisional Superintendent at Asansol thought the man was guilty and an undesirable Railway servant he passed his order of dismissal with the result that the man and his family are now thrown on the streets of unemployment. This dismissal was ordered merely on suspicion—on one man's opinion,—a Railway official, without the case being proved against him and for which he was acquitted by the Sessions judge on appeal. This man's name is Driver A C Dale, a senior driver in the East Indian Railway drawing a salary of Rs 280 with 20 years of good service to his credit,—a man with a wife and family to maintain. Do you call this justice and an observance of the right of an appeal? I call upon

the Communications Member to send for the file of this case and rectify what to me seems a heinous miscarriage of justice

These are the cases he knows nothing about and against which we complain. I, therefore, say that a judicial man is required, a man who has some knowledge of the law of evidence, not a man who makes up his mind on a summary trial and discharges a man rather than have him dismissed lest he is asked to prove it in a law court. I could quote many other cases. I know of another case, that of a Mr Mitford. This is an old case since rectified. He was a lower gazetted officer on the North Western Railway and he took three years to get his age properly corrected. From the records of ages in Railway records it appears he was born five months after his elder brother. I do not know what was the fertilising power which gave him birth so soon after his elder brother. This correction was made after a long fight. Sir, I have tried to speak with restraint on this matter and I have found it difficult to do so. It is this pent up series of cases of injustice that I have witnessed year in and year out that compels me whole-heartedly to support my friend, Dr Sir Ziauddin. As I said, the Communications Member with all the desire to help us is not in a position to do so. The information does not come to him and his reply, therefore, is, "I regret I cannot interfere with the orders of the Agent." These Railway officials who try these cases are lamentably ignorant of the law of evidence and they are, therefore, incapable of trying these cases, especially in the case where the officer is both the judge and the accuser at the same time. Sir, what is the remedy? The remedy as proposed by my Honourable friend, Dr Sir Ziauddin, is to have the services of a man with a judicial mind who is unconnected with the Railway Administration. This would certainly be some improvement on the present system. But in my opinion it is not enough. I submit that these appeals are so many and they are so varied in character and come from the merest menial to the higher subordinates that it requires a committee which should be attached to every Railway. What is the procedure at present? When a subordinate sends in an appeal to the Railway Board it is perfunctorily examined by some junior member of the Railway Board. He looks into it and gives his opinion after the Head Clerk has no doubt expressed his views. But in the case of an officer, it goes to the Secretary of the Railway Board and it is considered very carefully. I do not say that injustice is done in every case, but the point is that the procedure is quite wrong. The Railway Board cannot interfere because the Divisional Superintendent's prestige is at stake and the Divisional Superintendent will not interfere because the prestige of some other junior official is at stake. The result is that the poor subordinate suffers and is silenced from making further appeals. It is to protect him that I suggest that, instead of this agency of injustice and this piece-meal policy of a pretence at justice, we should have a full fledged Committee attached to each railway. If that is not possible let there be a special department opened and attached to the Railway Board for this very important purpose. Let the Railway Board do something which will be useful. We do not want an expert committee from England to show us how this can be done. Let there be a committee which will go into these cases. If that committee does its business properly and unmindful of Railway officials' prestige, believe me, Sir, the number of appeals will be considerably reduced within a year's time, because the Railway official will then have to give more care and attention to such grievances before he awards punishment. He

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will be more careful lest he be hauled up for inefficiency. At present you have a subordinate staff reeking with discontent, a staff which is underpaid and overworked and whose responsibilities are increasing but who, when they make a slip, are denied the elements of justice. I could keep this House engaged for hours reciting cases with which I am personally familiar on almost all the Railways. But I do not want to do that. But before I sit down I will say this. That this is a sacred duty which falls on the shoulders of the Railway Board and which it cannot evade and I appeal to the Communications Member to give this matter his most serious consideration. If he cannot accept a committee, he should at least satisfy this House by appointing a man with a judicial mind to each railway. This man should preferably be a magistrate who is unconnected with the Railway to which he is attached. In my opinion even that will be enough. I would, therefore, say that there should be a Committee which should carefully scrutinise all such appeals. I do not mean trivial matters connected with the discipline and administration but in such cases as I have detailed. I am sorry if in the heat of the moment I have allowed myself to go but it is a matter in which I feel very strongly. I would conclude by saying that this injustice is writ large in the records of all railways and it must be corrected. It cannot be corrected with the procedure which exists today. It must be corrected by a new procedure and I appeal to the Honourable Member to introduce that procedure as is incorporated in this Resolution. Sir, I support the Resolution.

The Honourable Sir Andrew Clow: Sir, I rise to oppose the Resolution. At first sight, it contains a suggestion that makes an appeal to reasonable men. It did to me when I glanced at it at first. It is or should be the aim of every officer to have a judicial mind, using that word in its ordinary English meaning and not in the technical sense that we so often attach to it. A judicial mind is a mind which is able to form sound judgments and we try as far as possible to select for positions of responsibility in all Departments officers who have that capacity of forming judgments. But I suspected when I saw the Resolution and thought over it again that by judicial mind was meant something different. It meant in other words a man who is technically in the judicial service. And this was confirmed when I came across a letter from Sir Ziauddin Ahmad in the columns of the *Eastern Times* which I should like to read to the House. This letter in the *Eastern Times* says

"Dr Sir Ziauddin Ahmad is pressing again "

Dr. Sir Ziauddin Ahmad: Who has written that letter?

The Honourable Sir Andrew Clow: This letter is signed by Zaka-ud-Din Ahmad, Private Secretary to Dr Sir Ziauddin Ahmad. The letter says

"Dr Sir Ziauddin Ahmad is pressing again the necessity of employing an officer of judicial training at the headquarters of General Managers of all Indian Railways to attend to the appeals of Railway employees. The Resolution will be moved in the Central Legislative Assembly on February 12, 1941.

Railway employees who have got complaints that their appeals were not properly attended to are requested to send their cases to him at 17, Windsor Place, New Delhi, marked on the envelope "Appeals". He will be very pleased to see candidates on

February 2nd, 1941, at 34 Canning Road, Allahabad or New Delhi after 4th February. The names of the employees will be kept confidential unless expressly desired by them otherwise, but the substance of the complaints will be referred to in the debate."

My Honourable friend, Sir Ziauddin Ahmad, told us an amusing story out of his great fund of stories about a Judge who inflicted a fine first and then considered the facts afterwards. It seems to me that in this letter he has come to his conclusion first and started collecting the evidence afterwards. I notice that it is only those whose appeals have not been heard properly that are asked to come. I do not know how it is possible on that to form a judgment as to how many persons' appeals have been heard properly or what the extent of injustice on the railways is.

Actually I am sorry to say that although he mentioned rather vaguely a long list of cases, I was not greatly impressed by them. They related to cases, in most cases, a number of years old. Some of the cases I am familiar with myself. My Honourable friend, Sir Henry Gidney, referred to a case and after saying that I did not know anything about that went on to refer to the case of an individual that I had personally considered. We have, I think, nearly 700,000 persons engaged on the railways in India and more than half of these are on the State railways, say 350,000 persons. I have not yet met a Government servant who did not feel that he had never a grievance of some kind, but most of them are content to recognise that fair justice is done to them. But if you have a body of that size, it surely is rather poor evidence of inadequate handling of appeals, if one has to go back to three, four, or five or even eleven years to find cases of injustice. Again, I was not even impressed by the facts of some of the cases which Sir Ziauddin Ahmad gave. I have no doubt that he was giving them with perfect sincerity. But it is always well to remember that it is only a disgruntled employee that comes to you. He is not going to give the facts that tell against himself. He is going to put his case in the most favourable light. You are hearing only one side of the case.

Sir Ziauddin Ahmad referred, for example, if I heard him rightly, to a case where a man was convicted of a grave offence under the Indian Penal Code and he apparently thought that because he did that in the course of his private life, we were doing him a grave wrong in not retaining him in railway service. Then he referred to this vexed question of ages. Both he and Sir Henry Gidney referred to cases of alleged impossibility that the ages could be correct. I am quite willing to recognise that in some cases it is possible that the age which the employee gave at the time of entry into service was incorrect. But we are now standing for the principle that if he enters our service on the basis of a certain age, we are not going to accept certificates from "men of God" or from anybody else to prove that he really was younger than he then declared his age to be. That, I think, embodies, so far as I recollect my law, the judicial principle of estoppel and in many cases it is a salutary rule. It is perfectly true that it leads in certain cases to an officer retiring before he reaches the real age of retirement. But I am not prepared to recognise that that is in all cases necessarily an act of injustice.

Now, Sir, one of my main objections to the Resolution is that I do not regard judicial officers as such as really qualified for the duties which it is proposed to entrust them with. I am going to pass no criticism whatever on their capacity for giving judicial decisions. A very distinguished Judge told me that there was a tendency in some courts of law

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to look at legalism rather than justice, but I know there are thousands of Judges who are out to give justice rather than legalism and it would not be difficult to find officers for that purpose. My real objection is that the whole method of approach, the whole method of training being what they are, judicial officers are not suited for this kind of work. A judicial officer is an officer who

Mr. M. S. Aney: Loves justice

The Honourable Sir Andrew Clow: I hope so. A judicial officer is one who has to deal with normally one incident in the life of the man before him and on the basis of certain statements, documentary and oral, he is asked to say whether this or that particular incident did or did not occur.

Now, Sir, what are the duties that confront railway officers? Let me take the cases that have been stressed by the two preceding speakers,—promotions and supersessions. They are asked to say whether Mr. A or Mr. B should be selected for a certain appointment. They are asked to say whether Mr. C should supersede Mr. D or not. These are cases, I recognise, which give rise to a tremendous feeling of discontent. I do not deny that for a moment. There is hardly one of us that does not believe, when we get an appointment, that the appointment is due to our merits and that when we fail to get an appointment, it is due to some external causes such as injustice or failure to appreciate those great qualities which we know we possess. It does create a sense of bitterness and discontent because there is not a single one of us who really is able to form the true estimate of his own ability. Admittedly, this important decision is going to have a far reaching effect on the lives of both men. It may be true that Mr. A made a slip at some early stage of his career, it may be true that Mr. B had a chance of doing some little conspicuous service that came to the notice of some higher officers. These can legitimately be used as pointers. But they are not the facts on which a decision depends. The facts on which a decision depends are the appraisalment of a man's career, the appraisalment of his personality, the belief in his capacity for doing the job that is given to him and your own judgment of his sense of judgment. It is really not possible to apply the ordinary judicial canons to a decision of that kind. Three Heads of Departments come to the General Manager and say, "we have seen the work of this man for three, five, and ten years and we know that this man will not fill this job. The other man will fill it better. The other man has the gifts for that particular appointment." If the General Manager is a wise man, he will say, "I do not know this man but the little I have seen of his work bears out what you say. I trust your judgment on the matter and I appoint the other man." But if the General Manager is unwise, he will apply a judicial mind, or rather what my Honourable friend, Sir Ziauddin Ahmad, regards as a judicial mind, and he will say, "you must have facts and figures, you must show me something conspicuous that Mr. B did. What offence has Mr. A committed that you want him to be superseded?" Often a man is superseded not because we do not believe him good enough for the post, but because we believe that another man will make a better officer. These are cases that give rise

to bitterness—when a man is superseded or when a man is not promoted. And these are the men who come often to Members of this Assembly and say that injustice has been done to them.

I am afraid that not merely in the Railway Department but in all Departments far too much attention is focussed on what I may describe as incidents. A man has been found out in some little fault which is recorded and ever afterwards it happens to be brought up against him. When a man has accidentally happened to have done some good work, a note is made of that and ever afterwards it colours people's opinion on his outlook. As a former Chairman of the Public Services Commission once said to me: "Your Departments seem to send to us only cases where a man has been discovered in some definite and grave offence. But, surely, there are in all Government Departments men who throughout their whole career have not been really adequate, have not done their best and are bad bargains from Government's point of view? None of these ever seem to come before us." Why don't they? Precisely because this emphasis on what is called a judicial mind has so corroded the administration, because an officer who is dealing with a man in a disciplinary way knows that if he can point to a definite instance of which there is proof that will convince the man above him,—the General Manager, the Member of the Railway Board, the Member in charge of Communications.

Dr. Sir Ziauddin Ahmad: Provided they read the appeal, which they never do.

The Honourable Sir Andrew Clow: We do read them. That will convince him that there is something against this man, but that if he merely says, "I and my Deputy and Mr. So and So who held the post before and somebody else are all convinced that this man is no use", then of course the people who hear the appeal will say, "That is not evidence. We have a judicial mind and we cannot discharge a man on the ground that he is no good for his job merely because everybody who has come across him is of that opinion." I might refer for a moment even to the graver offences. Does not something of that kind occur? Does not everybody know who are the really corrupt officials? And yet how seldom is it possible to get them discharged! There is no proof.

I do not suggest that people should be dismissed on suspicion but what I do say is that the judgment of capable officers who know the actual administration, who are in touch with the man and who have experience and judgment and who have a judicial mind in my sense of the word, is far more valuable than the opinion of a judge who must look at what the Evidence Act calls evidence and must consider the thing in the light of definite incidents which are either proved or not proved.

Lieut.-Colonel Sir Henry Gidney: Surely they cannot go against the Judge's decision?

The Honourable Sir Andrew Clow: Very often it is necessary, not to go against a judge's decision but to dismiss a man whom the judge has acquitted. There are quite frequent cases. Where a man has been guilty of grave neglect of duty, for example, with the result that Government lose a lot of money; we may believe that he has embezzled the money

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and he is charged with having embezzled it. The judge finds that after summing up the evidence he is not satisfied that there has been any embezzlement of the money. But the man has undoubtedly, been grossly negligent and at the very best he has lost to the public this large sum of money. Is it not right that he should be dealt with departmentally and that he should be discharged from service?"

Lieut.-Colonel Sir Henry Gidney: Why sack the man before he appeals?

The Honourable Sir Andrew Clow: As a rule there is no decision taken in these cases until the view of the judicial tribunal is available.

Lieut.-Colonel Sir Henry Gidney: I have given you the case of Mr Dale which is a clear one.

The Honourable Sir Andrew Clow: One case is given. I said, "is a rule. I am not here to say that no case of injustice has ever occurred among the 350,000 employees during the last generation,—far from it."

Then, again, I think we are too much in danger of concentrating on the individual who is adversely affected. That, of course, is only natural because these individuals, I know, approach Honourable Members of this House, even when they do not send them invitations to do so. But there are two other aspects to be considered. There is first the aspect of the public service. The other day, I think in the last debate, some one in the House made the old observation that it is better that 99 guilty persons should be acquitted than that one innocent person should be convicted. I am now going to say that that analogy does not apply in the present case. I am afraid you have got to recognise that it is not better that 99 incompetent men should be retained than that one competent man should be discharged. We cannot apply that principle but I am afraid too often that is what happens. What happens is this. An officer deals with these cases, he knows that the evidence depends on judgment, that it depends on the palpable, that it depends not on incidents but the experience of a career. He feels, however, that if it goes higher up he will have nothing very specific to which he can point. Now the temptation to officers in that position is tremendous. If he leaves the man alone and does nothing at all there is no further trouble for him, nobody is going to inquire, nobody is going to ask him why he failed to do his duty. There is a story which was told about 20 years ago,—I will not vouch for its truth but it is very illustrative. A case was taken to a certain Viceroy of an officer who was proposed to be dismissed or discharged and a record was put up showing that for 15 years he had been incompetent and inefficient. His Excellency agreed but he also said, "What punishment is proposed for those who have taken 15 years to find out that he is incompetent?" Alas, there is no punishment in such cases. The head of a Department, the General Manager, who allows an incompetent man to stay on,—nobody is going to visit that on his head, and with junior officers particularly that knowledge is a constant incentive to leave things alone. I do not want the House to run away with the idea that I believe our railways are full of incompetent men, that is not the fact at all. The great bulk of our men are loyal and hard-working servants. We have at the top a small percentage of men of

outstanding ability, we have at the bottom a small percentage of men whom no commercial firm would retain. It is these men to whom we are too tender.

But there is another aspect of the case to be considered, apart from the public service. There is the other individual to be considered. If you do not promote a man you promote somebody else, if you supersede a man somebody else supersedes him. And I believe one of our great faults at present is that it is very difficult for a man, however much energy and capacity he may display, to rise beyond a certain speed in the service simply because the officers with whom promotion rests know that if they appoint senior men there is no trouble. Nobody is going to make any inquiries or complaints. But if they take Mr. So and So from down the list and put him up there will be 20 disgruntled men who will put in memorials, file appeals and perhaps approach Honourable Members of this House. Now, I would ask the House to bear in mind that that is a very definite handicap to efficient administration. I am not here to stand and say that justice is done in all cases. As I say, with an enormous body of men, and over the period of years that Sir Ziauddin Ahmad has ranged over, there must be cases of injustice and frequent cases. I am only saying that you will not remedy it by this solution that is proposed of applying judicial officers to the task. Already men feel that railways are "safe" because they are treated as a Government Service. The real analogy is with big industry. I have never yet heard a suggestion in this House that these kinds of methods and rules for appeals should be applied to a place like Jamshedpur or should be applied to the Bombay cotton mills and elsewhere. And yet are there not cases of injustice there? Why is there no suggestion? Is it not because Honourable Members recognise that the application of our rules and regulations and provision for appeals and memorials will make it almost impossible for the great Indian industries to work? That is the handicap under which we ourselves are working.

An Honourable Member: There are labour unions.

Another Honourable Member: Is this House not competent to legislate?

The Honourable Sir Andrew Clow: Yes, this House is competent to legislate. I am not out to say that I regard the system in big business as ideal, any more than I regard the system in the railways as ideal. I think they possibly err on the side of giving too little security, but I am quite sure that we err on the side of giving too much. But the real analogy is with this big business.

I have said more than once that I do not believe that there is no injustice. I do not believe that perfectly genuine cases cannot be found. There have been errors of judgment and cases where officials have not received what they deserve. As the House is aware, Mr. DeSouza and Mr. Khan in their report suggested the appointment of a little kind of tribunal which, if it has time after doing its other duties, should consider appeals from senior subordinates. But the House will note that these two experienced railway officers are careful to say that the officers on this tribunal should be experienced railway officials. In other words, officers

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who know what the man's needs are, what his difficulties are, what his duties are, where exactly he has failed and where exactly he has succeeded, and officers who will not proceed in the manner to which our courts are restricted. For that there is something to be said, and I should have liked to have heard if it is a practicable solution. I should have liked to have heard a little more on that, but that is not what is proposed in the present Resolution.

Mr. M. S. Aney: That is all excluded from it.

The Honourable Sir Andrew Clow: There is a system in the army by which you have an officer who advises in certain disciplinary cases, but he is an officer drawn from the army itself and familiar with the army. He is not, as Sir Henry Gidney said, somebody who has no interest in the railways, who is drawn from entirely outside it.

Lieut.-Colonel Sir Henry Gidney: You can have a barrister.

The Honourable Sir Andrew Clow: He can have the training of a barrister. I do not object to officers having any training like that, but they must have the essential training and that is the training within the railway administration itself.

Mr. N. M. Joshi (Nominated Non-Official) **Mr. President,** I rise to support the Resolution moved by my Honourable friend, Sir Ziauddin Ahmad. I was disappointed and surprised that the Honourable Member for the Communications Department should have considered it to be a handicap that the Legislature devotes some attention to the complaints of the employees of the Government of India.

The Honourable Sir Andrew Clow: On a point of explanation, I did not say that. I said the handicap existed in the various rules and regulations, most of which, I am afraid, have been made under executive action.

Mr. N. M. Joshi: The Honourable Member in the speech he made yesterday also referred to some handicaps upon the Railway Administration due to the attention paid by the Legislature by way of questions and other methods. I hope that if he considers this question impartially, he will find that the attention given by the Legislature to these questions regarding Railway Administration is a help to the administration, and not an obstacle, unless he believes that the officers who are appointed to manage the Railway Administration are men who are infallible. The question before us just now is the question of properly disposing of appeals for which the employees of the railways have a right, by the railway officers and Railway Administrations. I agree with my Honourable friend Sir Henry Gidney, that the failure to disposal of appeals properly is one of the most potent causes of the discontent that exists among railway employees on the Indian railways. The remedy suggested is that an officer having a judicial mind and I think Sir Ziauddin Ahmad meant, having judicial experience, should be appointed to advise the railway agents and the Railway Board as regards the disposal of the appeals. It is quite true that the judicial officer may not have the experience of the working of the department. That is perhaps a handicap, but even an

officer belonging to the railway service and even having a judicial mind has certain handicaps—he too works under a handicap. My experience of cases of appeal against orders of railway officers

Mr. M. S. Aney. Were you working as an appellate court?

Mr. N. M. Joshi: No. I have been convinced that the real thing that comes in the way of justice being done to railway employees in these appeals is the feeling of prestige of the railway officers. The appellate authority is anxious—it has been my experience always—to maintain the prestige of the officers who have passed the orders. I think that that is the handicap under which the appellate authorities in the Railway Administrations work. We have to choose between an officer with experience of railway work to help the Railway Agents and the other appellate authorities, in the proper disposal of appeals and a man of judicial experience, and considering the advantages and disadvantages, my preference is for the appointment of a judicial officer to advise the Railway Agent and the other appellate authorities in the Railway Administration.

Sir, the Royal Commission on Indian Labour considered this question of appeals very carefully. They had made certain suggestions to the Government of India, that every man who has a grievance should be furnished with a charge sheet, that he should be heard personally by the appellate authority, and then he should have a further appeal from the original appellate authority to a superior appellate authority. The Royal Commission also recommended that the appeals should be disposed of within a certain period. The Government of India did not accept the recommendations of the Royal Commission entirely, but they did accept the recommendations to some extent. In the first place, it has been my experience that men against whom some orders have been passed are not still in all cases given a charge sheet, they do not themselves know what exactly is the offence for which they have been made to suffer. I would like, Sir, the Government of India to see that when orders against the employees are issued to their disadvantage, they are always given a charge sheet or a written order stating what is exactly their fault. It has been my experience, as I have said before, that this is not always done. Then, Sir, when the man's explanation is given to the appellate authority, he should have a right to personally see the appellate authority. Even that is not always followed. The Royal Commission had recommended that the man who has got an appeal to make should first be asked to give his explanation, and then he should have generally the right to personally interview the appellate authority.

The Royal Commission further recommended that the man should be accompanied or helped by Trade Union Officers. If the appellate authority generally take all these precautions, many of the complaints which we hear will not be heard. Unfortunately, these salutary provisions made by the Royal Commission are not followed by the Railway Administration in all cases. I would, therefore, like the Government of India to reconsider this question. In the first place, I would like them to accept all the suggestions of the Royal Commission in their entirety, as regards the provision of charge sheets, as regards the man who has appealed being heard personally, and being heard also with the help of the officials of the trade unions.

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Then, Sir, there must be a proper time limit for the disposal of appeals. That is one of the matters in which the railway administration fails. The appeals are not disposed of within a certain period. Now, Sir, to enable the Railway Administration to do its work properly, I think the suggestion made by Dr Sir Ziauddin Ahmad will be of great use, that there should be judicial officers appointed to help the appellate authorities in coming to proper decisions in appeal cases. I would only make one further addition to the suggestion of Dr Sir Ziauddin Ahmad. He wants a man of judicial experience to be appointed only at the headquarters of the administration. On the Indian Railways, besides the Agent, there are first the appellate courts of the Divisional Superintendents. There must be somebody to assist the Divisional Superintendent himself in properly disposing of the cases. I hope, Sir, the Government of India in the interests of the Railway Administration itself will give proper consideration to the question of appeals and accept the Resolution moved by my friend, Dr Sir Ziauddin Ahmad, if not literally at least in spirit.

Sir Muhammad Yamin Khan. Sir, when I listened to the reply given by the Honourable the Communications Member, I thought he understood the Resolution of my friend, Dr Sir Ziauddin Ahmad, in a totally different way to what was actually intended by the Resolution. I agree with many of the points urged by the Honourable the Communications Member that there will be a lot of difficulty in the way of the Railway Administration to decide cases merely on judicial lines, but I may point out to him that when my friend, the Mover, referred to the appointment of judicial-minded officers, he did not mean that judicial officers of the Provincial Services like Munsiffs or Sub-judges should be transferred to the railway side, to hear these appeals. That was not the idea at all. What actually is meant or intended by the Resolution is that the officers who will be appointed to hear these appeals should be of judicial mind, in other words, he wants that officers who have had some kind of judicial training should be appointed, and not necessarily judicial officers of the Provincial Service should be placed under the Railway Administration. The whole object was that the officers who pass punishment orders should have had some judicial training or should be men with a judicial mind. The Honourable Member said that the Railways do employ judicial-minded officers, that all the officers they select are judicial-minded people, and, therefore, their decision should be upheld and should not be questioned, but that proposition, Sir, cannot convince this side of the House at all. There are some officers in the Railways who take great pains to go through the file of every complaint and read the whole thing from A to Z before coming to a decision, but my friend the Honourable Member in charge will admit that every officer in the higher ranks cannot devote so much time and attention to go through the files of these complaints so carefully. By the time the file reaches the higher officers, the noting is done, and they invariably depend upon the judgment of the different people below them who have already formed their opinions on the evidence which was available to them, and, therefore it is very unlikely that these higher officers can go against the decisions of the officers below them and come to a different conclusion to that of the lower officers. Therefore, in many cases very great hardship is caused to people. I know of many such cases from my personal experience. When I was the Chairman of the Municipal Board, I used to get

complaints from people who were aggrieved, and sometimes when I called for the explanation of the officer concerned, I found that in almost all cases that the officer who had decided against the aggrieved party had concealed something which was on the record and did not mention that fact and brought to my notice only such things which went against the aggrieved person who had appealed. Nothing which was in favour of the aggrieved person who had appealed was on the record. Therefore, I had to go through the files very carefully myself before deciding matters. In many cases I found that the aggrieved party was right in his complaint that proper treatment was not given to him. So, Sir, it is not merely a question of appointing officer to hear these appeals, but he must be an officer of a judicial mind who will sit down like a court, go through the evidence both for and against and then give his decision. Certainly, if a person is of a judicial mind, what he will do is this. If there are 20 reports about a person and finds that 18 of those reports are against him, he will decide the matter holding that the aggrieved person is unfit to hold a particular post.

But if this man finds that there have been eighteen reports in his favour and two reports against him and the officer who has
1 r m. dismissed him has taken notice only of the two reports which are against him and ignored the 18 reports in his favour, then this man will say that the two reports may be faulty, may not be of judicially-minded persons, may have been inspired by something like likes and dislikes. There are many officers who have got likes and dislikes, you cannot say they are not interested at all. Many times you will find that the man who gives the judgment and who is in contact with the man is carried away by personal feelings, by personal likes and dislikes. Therefore, you have to avoid that kind of thing too. The Resolution does not say that the final decision will be given by the officers whom you are going to appoint. Once a case has been decided by an officer the appeal against that decision must go to a tribunal, it may consist of one man, or two men or three men, that does not matter, but that must go direct to this tribunal who may sift the evidence and then place their report of final decision by the authority which has to decide and give a final decision. If this principle is adopted there will be no harm done. You can give the tribunal instructions, "you are not to give any judgment, but only to place a kind of report as to what are the points in favour and points against before the authority concerned to give the final decision."

When you say judicially-minded people, it is not in the sense of the High Court whose orders are not subject to any appeal and are final. Here the orders will only be passed by the Railway Administration and these people will only place their report before it. I do not see what harm can be done by adopting this principle. I do not like the Resolution as it is drafted. I am not agreeable that these judicially-minded officers may be placed in every General Manager's office. If these people are placed there they cannot have any independence, they will be just subordinates. There should be only one judicial tribunal which may go from place to place whenever appeals are received. You may not have so many appeals that you must have two or three persons in each General Manager's office, but whenever a sufficient amount of work has collected, they may go for three or four days, go through the records, make reports

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which will go to the General Manager. This will save a lot of time and expense, because what do you do now? If a person has got a complaint, if he is not satisfied with your order he files an appeal. Then, first of all, the Superintendent notes, then the Under-Secretary notes, then the Deputy Secretary, then the Additional Secretary, then Secretary and then it may go to the Railway Board or the Member in charge. This entails an unnecessary waste of expense and the valuable time of highly paid officers who can devote it to much better purposes. You will have only one tribunal and that will make a report in each case, the final decision to be given by one man and that must be final.

I quite agree with the Honourable Member that there should be a finality for decisions, that cases which had been decided three or four years ago should not be raised now and that no Resolution should be brought up on the basis of four or five instances out of 3½ lakhs of people, which instances are spread over a period of five or ten years. But certainly there is a complaint that there are many cases in which your railway employees do not get sufficient response from their higher officers who go through their cases. I know of one case, I will tell the Honourable Member that, he is probably aware of it. He was an engineer. He was dismissed for having obtained two or three extra passes. Each railway employee is allowed so many passes, but this officer obtained probably a larger number of passes than he was allowed under the rules and this man was sacked for that.

Lieut.-Colonel Sir Henry Gidney: Not an engineer but a commercial officer.

Sir Muhammad Yamin Khan: He was an engineer on the North Western Railway.

The Honourable Sir Andrew Clow: He was a Traffic man.

Sir Muhammad Yamin Khan: May be, but he was a railway man. I say it was very good. If this standard of morality is kept up in the railway administration I will whole-heartedly say, "Yes, keep up this standard of morality. If a man takes one extra pass you sack him. All right, but apply this principle throughout. But if you have been allowing many people who are travelling without passes on your railways—higher officers than this man—then you have set up another standard of morality and you cannot judge the man from the point of view of a higher standard of morality than what is prevalent in your railway administration. Have the higher standard, but enforce it in every case by all means, but you cannot say you will have one sauce for the goose and another sauce for the gander."

Lieut.-Colonel Sir Henry Gidney: There will be propaganda then!

Sir Muhammad Yamin Khan: That won't do. I do not think that his appeal should be recommended after a lapse of two or three years and that his case must be taken up again, but I do think that if there is injustice done in this case then I feel that it is worth while to remove that injustice. That will enhance the prestige of the Government rather than if you continue an injustice which has to be brought up before you every time.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

Sir Muhammad Yamin Khan: I hope that the Honourable Member will not go merely on the wording of the Resolution but will do his best in the interests of these people. After all Resolutions are mere recommendations. They are not binding on the Government, they only suggest some method how to remove a grievance.

An Honourable Member: They ought to be binding.

Sir Muhammad Yamin Khan: I do not think so. I do not agree with you there. I would suggest that the Honourable Member will take into consideration all these matters and will decide the matter in the light of the discussion that has taken place, rather than stick to the wording of the Resolution.

Mr. M. S. Aney: So if we read this Resolution carefully it will be seen that it emphasizes two points. The first is an injection of a judicious element in the personnel who hear the appeal.

Dr. P. N. Banerjee (Calcutta Suburbs Non-Muhammadian Urban) Judicious or judicial?

Mr. M. S. Aney: Not judicial. The second point relates to the procedure which at present exists in the matter of hearing appeals. The urgency of the reform which is suggested in this Resolution can be appreciated if there is a recognition on the part of the Members of this House that there is a general grievance against the existing system. My Honourable friend Sir Ziauddin has taken a good deal of pains to collect evidence with a view to impress on the Honourable the Communications Member that there is not only a general grievance but here are concrete instances which he can go through and satisfy himself and see whether good grounds do not exist for the redress of the grievances that are already there. He wanted to make out an unimpeachable case here against the Railway Board and he was not collecting evidence in support of conclusions previously drawn. The conclusions are there. The fact that the existing railway employees are not satisfied with the system of hearing appeals is a very well known grievance but a simple and bald enunciation of a proposition like that would not have been sufficient and, therefore, he wanted to make out a case by quoting concrete instances and I think he was perfectly justified in inviting persons who had really any grievances like that to bring those cases up to him. I think he must have received many more, out of which he may have sorted out a few and brought them to the notice of the Communications Member. It was not a case of coming to conclusions first and collecting evidence afterwards. The grievances existed already and it was necessary to give a few illustrations for the purpose of placing them on the table of this House and bringing them to the notice of the Communications Member. I really admire the patience of Dr. Sir Ziauddin in collecting very cogent evidence and bringing matters home to the Honourable the Communications Member. The Honourable the Communications Member, if he has the patience, should send for these papers in original and satisfy himself

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and discuss them with Dr Ziauddin and find out whether the injustice complained of is not a real and genuine one. I am sure that in most of the cases probably the conclusion which Dr Ziauddin came to would be the only proper conclusion and it is not a case of mere surmise or guess as my friend, the Honourable the Communications Member, wants to suggest. I do not think there was much force in the attempt of my friend the Communications Member to prejudice the argument of Dr Sir Ziauddin by saying that he has come to conclusions first and collected the evidence afterwards.

The second point is this. It is not suggested in this Resolution that a regular separate judicial service should be instituted apart from the present Railway service. What is insisted upon is that persons who are put in charge of these appeals should be men who have got judicial training, who have got a grounding in the principles of law and principles of evidence.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member may continue his speech after the adjournment.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Datta) in the Chair.

Mr. M. S. Aney: Sir, what is demanded in the Resolution is not that a regular separate judicial service should be started by the Railway Board to hear these appeals but that in making the appointments of persons who are to hear appeals care should be taken that they are men of a judicial mind. That is all that is demanded in the Resolution, in my opinion. My Honourable friend, the Communications Member, gave us a somewhat long lecture on the uselessness of having men of a judicial nature, of entrusting persons with a judicial nature and judicial qualifications with the duties of hearing appeals in cases of this kind. He laboured the argument at some length, saying that the work they have to do is of a very peculiar nature and it is better done by persons who are intimately connected and acquainted with the conditions of service and the work that is being done by the employees whose cases are concerned than persons of a judicial mind or with judicial training. Now I submit that I do not agree with what he says. He is certainly wrong in his assertion that persons with a judicial training are incapable of finding out whether a particular order passed by a certain officer—we are talking of persons who are going to hear appeals—whether particular orders of dismissal or suspension or removal passed by a certain officer in Railway Department were justified and whether there was any offence committed within the meaning of the rules for the breach of which alone such a man could be dismissed, suspended or punished in some other way. The point is this. It is mostly in cases of dismissal or some such serious punishment that the question of an appeal comes into prominence and what is sought to be done by this Resolution is to prevent a kind of arbitrariness in the

orders passed by the subordinate officials. There being no proper machinery by which arbitrary orders can be challenged, no hope of getting justice can be entertained by the aggrieved persons. To remove that state of things it is suggested that persons with some judicial training, with judicial qualifications, should be associated with the Department and then the matter can be properly heard and decided. There is no difficulty whatsoever for a judicial man to appreciate the position. We know that cases consisting of any kind of technical matter are taken up to the courts, they are properly argued on both sides, the judges do come to decisions notwithstanding the fact that for the first time in their lives they stood upon judgment in a particular kind of work which they never heard of before. Sir, when a case is presented to a man with a judicial training he is in a position to grasp the issue and understand all the technicalities of it and knows how to come to a right conclusion on the point. But those who are given to doing things in an arbitrary way, being trained in the executive line altogether, are unable to appreciate the point of view of the man who is injured by an order. This executive officer himself, who has got a feeling for that officer who has dismissed the man or who has done any injury to a man, is incapable of appreciating the point of view of the man injured. That is the great trouble of the whole theory, and therefore the suggestion has been made, "Well, entrust this work to your own officer but see amongst your own officers whether there is some element which has got the appropriate judicial training and therefore equipped to consider and entertain appeals and to give proper advice in the matter of such appeals."

The real trouble to which reference was made by my Honourable friend, Sir Henry Gidney, *et c.*, the whole theory on which this railway administration goes on, is that it is not a Department like other Departments, it is a Commercial Department, and therefore they think that the persons in charge of the administration of the different Railways should have the same power as the private concerns in dealing with these servants, nobody else should have any chance or interfering with their discretion of that kind, if we were to interfere, we would create an opportunity for the servants to be dissatisfied with you, and the Railways would thereby not be able to take from their workmen as much work, and as efficient work as they want in order to yield a certain profit for the Railway Administration. It is that analogy which precludes the Railway Board from exercising proper control over the actions of the Agent or anybody else. The Railway Board are obsessed with this idea that they are here a mere supervising body and the main responsibility for running the Railway Administration, they say, they must leave to the Agent and, therefore, they would not be justified in creating a set of rules by which their conduct would be judged and their actions would be tested any time and everywhere. It should be left mainly to the discretion of the Agents. The Agents in their turn think likewise and leave the discretion of the local officer undisturbed. Certain tentative rules there are about appeals which may or may not be seriously observed. It is this theory of looking at the thing as a purely commercial concern and leaving the Agent's discretion almost unfettered and undisturbed that is really coming in the way of creating a proper set of rules and a proper set of officials in the matter of hearing appeals against railway servants. That is my idea, if I am wrong, I shall be very glad to hear from the Communications Member who may speak later on that I am entirely

[Mr. M. S. Aney]

wrong. It should I think be possible to evolve some system which shall appeal to the imagination of the people and shall appeal also to the sense of justice of the people, but I find that the attitude of the Railway Board in the matter of the railway servants' grievances of not interfering with what is being done by the lower staff under the arrangements at present existing lands the men in a very unsatisfactory position.

Well, Sir, after that, there was one point upon which the Communications Member touched. He seems to think that the Members of this House have not got much to do except being accessible to all sorts of fellows who want to make complaints against the Railway Administration. He was labouring under this grievance. He repeatedly referred to the position of Honourable Members. Now, why do they, I mean the Railway servants, go to the Honourable Members—that is one point which I want him to consider very carefully. The very fact that instead of going to you they approach somebody else.

Dr. P. N. Banerjee: They cannot go to him.

Mr. M. S. Aney: What does that show? It shows a state of things into which the Communications Member ought to go very carefully, in my opinion, so that he may understand the *rationale* behind the whole thing. No person who is a subordinate would like to go out of his way to somebody else outside the Department, and he will only try to do so when the whole arrangements are such as to make it almost hopeless for him to get any access at all to the Honourable Member's Department, and if there is this habit, as the Honourable the Communications Member says, for these fellows to approach Honourable Members of this House, I say that in itself is a ground for him to consider whether the present system of hearing appeals is a satisfactory one, or not? Is it not a fact I ask him that most of your staff are dissatisfied with the existing system? In my opinion that is a sufficient ground for him to accept at least half if not the whole of this Resolution. He may not accept the other part and if he has got some other better method, to which I am going to refer, I am prepared to discuss that part with him. But the position is there. It clearly indicates that there is a considerable amount of discontent amongst the servants themselves. It is not a question of mere discontent among these persons, but if you have a discontented staff with a certain system existing in your Department, who else can look into their grievances and to whom else they should look for help if not you? Therefore, we want that these grievances should be brought to the attention of the Honourable the Communications Member and I think my friend, Dr. Sir Ziauddin, was quite right in bringing this matter for discussion before this House today.

So far as I am concerned, I am very reluctant to hear any Government servants at all. I do not believe in the proposition that because a man is a Government servant, he occupies a privileged position. I am in favour of curtailing that privilege as much as I can and I generally do not see any Government servants. In spite of that attitude of mine, I find a number of letters and a number of representations are sent to me. That indicates that the grievance is a genuine one. I feel that there is a good deal of discontent about the existing system of hearing appeals and the Honourable Member should go into this matter more carefully.

Then, Sir, the Royal Commission have made certain suggestions and I find that some of these suggestions have been given effect to, but it would be better if all the suggestions mentioned in their report are given effect to. Then, as to the personnel who are to be entrusted with the work of hearing appeals I do not find any suggestion in the Royal Commission's report and it is a new point which the Resolution of my Honourable friend, Dr Sir Ziauddin, has prominently brought to our notice. I believe the Resolution should be approached from this new point of view. I believe the Honourable Member stated if I heard him aright, that there is already a suggestion in DeSouza's report under consideration to appoint a Committee to hear the appeals, but the personnel of that Committee should consist of persons who have got experience of railway administration. That is the kind of Committee he suggested. If he at least thinks that a case has been made out that something more and in addition to what exists at present has to be done, then, I believe, this debate has served its purpose very well. At least, the existing arrangement is not such as to give satisfaction to the staff. Therefore if he thinks a Committee is necessary, we shall add only one more suggestion in the formation of that Committee. You should see that in the personnel of that Committee there are men who have a judicious mind. If there are men of judicious mind on that Committee and if the Committee lays down a certain procedure for the sake of hearing those persons who are grieved by the orders passed by the lower court, I think much of the purpose which Dr Sir Ziauddin has in his mind will be served. He has referred to that suggestion in his speech but has not amplified the whole thing. But if he has any such thing in his mind, we shall be very glad to see that due notice is taken by him in the appointment of that Committee of the points raised in the course of this debate in order to have a proper Committee to hear these appeals.

Sir, I do not want to take more time of the House in this matter although there are many serious complaints, notes of which I have made. But I do not think it will serve any useful purpose to go into any stray cases and I do not want to take the time of the House over these matters. I only urge the Honourable the Communications Member that if he is satisfied with the suggestion as it is, he should please give us an assurance that he appreciates that there is a difficulty which he has to tackle. Any attempt on the lines which I have just suggested would be welcome to this House provided it meets with the genuine grievances which have been ventilated on the floor of this House by the Members on this side of the House. With these remarks I support the Resolution of my friend, Dr Sir Ziauddin Ahmad.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions. Muhammadan Rural). Sir, to the good luck of the Indian railway servants, the Honourable Member in charge of Railways has given a little attention to this Resolution and he wants that specific cases may be mentioned. My Honourable friend, Dr Sir Ziauddin, has mentioned some cases and he was asked to give the dates, names and so forth. I know the instances of some specific cases with the year in which decisions were taken which were detrimental to the applicants and complainants. The position is this. When appeals are made, they go to the Divisional Superintendent and he generally withholds those appeals with the result that the General Manager knows nothing about them. I refer to two cases of 1940; one of Mr. Miller and another of Mr. Khema Nand in which it was said that no

[Mr Muhammad As-hai Ah]

appeal lies to the General Manager. Generally, this is what the Divisional Superintendent does. He writes that no appeal lies to the General Manager and disposes of it himself. Then, Sir, I will refer the Honourable Member to another case. This is the case of one Assistant Station Master, Altaf Husam. He was dismissed and he appealed. There was nobody to listen to his appeal. Perhaps it did not reach the General Manager. As he was discharged without listening to his appeal, he had to go to the civil court. He won his case from the same court in the Delhi Division itself. The third case relates to one Abdulla. He reported to the Railway Department that some railway material at the Sabzmandi station was removed by somebody. He reported the case to the station staff and to the railway staff. Nobody listened to him. Then he was good enough to save the railway property and he reported the matter to the Police. The police went there and made inquiries. The result was that the Railway Department dismissed him on the ground that he reported the matter to the Police. Although he said that he reported the matter to the Railway Department and nobody listened to him, yet he was dismissed. Even today the Railway Department owes him his salary to the tune of rupees seven.

I will give another case, that of Muhammad Mukhtar Nabi of Moradabad Division. His appeal was admitted but it was said that certain rules were not complied with. This was in 1939-40. He has not been reinstated although it was said that his dismissal was against the rules. There is another case of one R. D. Jain who is an M.A., LL.B. After 21 years of service it was suddenly discovered that he was inefficient. He has been posted to Karachi and Lahore as an officer. He was recruited from the Secretariat while he was an Assistant. Can it stand to reason that after 21 years of service, he suddenly became inefficient? I have met this man. I can confidently say that he can stand any competitive examination by the Public Service Commission or by the Railway Board. Well, Sir, these are some of the cases which I place before the House and I would ask the Honourable Member for Railways to look into these cases. It is because of such cases where obvious injustice has been done that we want a judicial tribunal to be set up. We have today listened to a very good dissertation on the special jurisprudence which has been framed by the Honourable Sir Andrew Clow. He gives a peculiar definition to judicial officer. He said that this judicial officer should confine himself only to the files of the railway staff. He should not listen to any complaints. He should not look to the rules of the railways as a judicial officer ought to do. Rules of evidence are to be treated as absolute waste paper in the eyes of the Railway Member. If this is the special principle of railway jurisprudence, this is absolutely against the jurisprudence which is being taught to us by the English nation. The Indian students are taught differently from this in their Universities. I should say this is the culmination of the misfortune of Indians. We are told in the newspapers that some new comet has risen in the horizon with a tail and that it is bound to bring misfortune to India. (Interruption.) My own impression is that it is the railway staff of India that is being visited by this evil comet.

I am glad that the attitude of the Honourable Member for Railways is not what it was yesterday. At least to a certain extent he was prepared to know the specific cases and so far as the time at my disposal will permit

I gave him a few cases. My Honourable friend, Mr. Joshi, said, that the Treasury Benches are only for prestige. Now, Sir, so far as the Railway Department is concerned it is not only prestige that is regarded, but there is also a great deal of favouritism that is going on. It is because of favouritism that every day we hear of complaints and questions are put in this House mostly relating to railway matters. Resolutions are discussed in this House mostly relating to railway matters. Personal representations are made to the Honourable Member for Railways about the railway matters. Does this not show that there is real grievance among the railway staff? As has been pointed out by my Honourable friend, Mr. Anev, simply because so many complaints are coming every day before the House there must be something rotten in the State of Denmark. (Interruption) You can choose some other word for "Denmark", you can say the Indian railways. However, this Legislature is meant to do justice like Indian courts. The function of a court is that when a case comes before it, it is the duty of the Advocates to represent the case of their clients. Here in this Legislature it is also the function of the members of the legislature to give specific instances and also to represent the grievances of the people. My Honourable friend, Sir Andrew Clow, blames my Honourable friend, Dr. Sir Ziauddin Ahmad, and says that even before knowing the grievances, Dr. Sir Ziauddin Ahmad comes to the House and wants to know afterwards what are the grievances of the people. He writes to the newspaper inviting people to bring to his notice cases of injustice. I do not see any harm in that. If he does that he is really doing a good turn to the railway servants. He does not do it for his own private servants. He is doing a public service to the Government. If the Government do not think that it is a public service done by Dr. Sir Ziauddin Ahmad then I shall be sorry. The Railway Department is earning crores and crores from the taxpayers and it is spending crores and crores and where is the difficulty in appointing a tribunal to hear these cases of complaints. At least a touring judicial officer can be appointed. If you like you may associate with him a trained man of your own Department, who you think knows the files of the Department more than anybody else. We do not mind this. You make a tribunal of three people, give them the liberty to travel from place to place and to listen to appeals. Where is the difficulty? The Government of India have appointed a Tribunal for Income-tax appeals. Why cannot the Railway appoint a similar Tribunal to hear the grievances of the railway staff? Perhaps the Honourable the Railway Member thinks that when we put forward this suggestion, it is in the minds of Members that our friends will be appointed to new posts created. Hundreds of new posts are created everyday. We have sanctioned all of them in this House. Under those circumstances, I do not see any reason why Government should oppose this Resolution. I have already said something about the peculiar definition of 'judicial mind' which the Honourable the Railway Member gave. I need not elaborate that point further. The function of the Legislature is to represent cases to the Railway Member. I do not think he ought in any way consider himself embarrassed. I hope he will take note of the cases mentioned by me and redress the grievances. With these remarks I resume my seat.

Maulvi Syed Murtaza Sahib Bahadur (South Madras Muhammadan) Sir, this House is aware of the fact that this subject should have been discussed on the 12th February when it was ballotted in my name.

[Maulvi Syed Murtuza Sahib Bahadur]

Unfortunately, it was not reached on that day. Now that the Resolution has come before us, I have to make some remarks.

Sir, the previous speakers on this side have made out a strong case in favour of this Resolution and it is not necessary that I should dwell on each and every point. I value the time of the House, and so I will try to be as brief as possible. The Honourable Member in charge did admit that there were some cases where justice had not been meted out to the aggrieved parties. In that connection he said there were about 3½ lakhs of employees, and it could not be expected that justice would be meted out to all. But if it is proved that injustice has been done to some of his own subordinates, it is the duty of the Honourable Member and the Railway Board to go into these cases and do justice to their own employees. As early as the time when Mr Hassan submitted his report, he said that the orders of the Railway Board were not being acted up to by the Agents. Even then no practical steps were taken by the railway authorities.

An Honourable Member: What about a Persian couplet?

Maulvi Syed Murtuza Sahib Bahadur: Yes, one was given by Sir Ziauddin, but he did not translate it. Therefore, I will repeat that Persian saying.

"Muzdûre Khush-dil Kunad Kârbeh"

This means that a satisfied and contented labourer turns out more work, and satisfactorily too. It is, therefore, the bounden duty of the Railway Department which employs the largest number of servants in all departments to attach more importance to this than to anything else. It is a commercial department and should be very careful about it. Sir, security of service is an essential thing resulting in contentment and satisfaction. But here there is no such security. In the cases mentioned by Sir Ziauddin and Mr Azhar Ali it was pointed out that injustice had been done in many a case. One case was referred to by my friend, Mr Azhar Ali, and that was a very curious one. A gentleman named R D Jain, M.A., LL.B., puts in a service of 21 years in the Railway Board and renders satisfaction to his superiors during all this time, and, as a result thereof, he gets promotion to a place carrying a salary of Rs 600 to Rs 800, and, then, after 21 years' service, he is declared incompetent, and, consequently, though not medically unfit, he is morally unfit and is sent home. There are many other cases. In a case where a man, who was getting Rs 80 a month after 30 years' service in the department, is reduced to Rs 70, for no fault of his. He presents an appeal, it is not heeded. This is a recent case which occurred only about December last. Then, there is another case of a T T E on the B & N W Railway. He was entertained in 1936.

The Honourable Sir Andrew Clow: Sir that is both a company-owned and a company-managed railway and not responsible to us.

Maulvi Syed Murtuza Sahib Bahadur: Then, there is the case of a gentleman on the East Indian Railway who was appointed as a clerk in 1919. He got an attack of cholera in 1926 and was admitted as an

indoor patient in a railway hospital. In his absence some of his colleagues removed some official papers from his table and a false charge was framed against him for destroying official papers. It was proved that no papers were destroyed by him, but still he was served with a notice and removed from service. He remained ill for six months and could not appeal, as no definite charge was framed against him. He was given a chance in 1929 as divisional store keeper and worked there for three years, where he was found quite up to the mark. In 1939, he again got a chance to work as storeman, and was promoted to the rank of head mistry or work-in-charge, but the Labour Union wrote to the D S that he being a discharged hand must not be re-employed, and hence he was sent back to his original post of storeman. Being an experienced hand, he was again given a chance of being work-in-charge and worked for about a year and a half and was dismissed afterwards instead of getting any permanent appointment. His case was represented by the Honourable Haji Muhammad Husam, Member of the Council of State, to the D S, Allahabad, but the clerk concerned did not submit the papers to the D S. When the Honourable Member again reminded the D S and wrote a D O letter, he replied that he was not aware of the facts. He is now out of employment, and there is no chance of his appeal being heard. His length of service may be taken into consideration and he may be reinstated. My object in bringing these cases to the notice of the Honourable Member is that there is a strong case in favour of the appointment of an officer of a judicial mind. As to who come under the category of officers possessing judicial minds—that point was gone into by our lawyer friend, Mr. Anev, and others, and most probably Sardar Sant Singh will throw much more light on this.

There is another case. A man was appointed as a guard in grade 1 in 1906 and posted as assistant station master in 1918, and confirmed as such in grade 5 in 1932. During his service, he officiated in different capacities, quite up to the mark, as station master and traffic inspector, and so forth, and he was sent to the Chandausi school for training in 1925, as there was no school for training in the N W R. He passed his examination, obtaining 72 marks. Several permanent vacancies occurred during this period, but he was not allowed to work as permanent station master and several juniors superseded him. He is the seniormost station master having 34 years' service. He appealed many a time to be promoted as permanent station master, but to no effect.

Mr. P. J. Griffiths (Assam European). He had been fairly permanent for 34 years?

Maulvi Syed Murtuza Sahib Bahadur: He can serve up to his 60th year. After 55, he can be granted an extension yearly.

Another case is that of a gentleman of the E I R in the Engineering Department who joined on 16th May, 1914. He resigned and joined the D M O's office in 1918. As the climate of Calcutta did not suit him, he applied for the post of a head clerk on the B N W R—a Company-managed railway—and he went there. He was selected after the post had been advertised. His services were transferred from the E I R and accepted by the B N W R. In 1929, he was posted as head clerk in

[Maulvi Syed Murtuza Sahib Bahadur]

the Medical Department. In 1934, a new medical officer joined the service and reorganized the office and abolished this particular post of head clerk. He was getting Rs. 190 at that time as head clerk, and he was served with a notice he was promised to be absorbed somewhere, but never was he absorbed. He appealed many a time to different departments, but was not offered any post. He suffered a heavy loss as he was transferred from a State railway to a Company-managed railway, he is still out of employ and knocking at the doors of the railway authorities.

There are many such cases. So we would appeal to the sympathetic nature of the Honourable the Communications Member. I have known him ever since he was Secretary, and so I expect that he will not but revise his opinion, because we have succeeded in making out a strong case in favour of the appointment of a special officer who should go deep into all the papers and render justice to those who have been aggrieved.

Sardar Sant Singh: Sir I intervene in this debate simply because I have been struck with the attitude.

Mr. N. M. Joshi: Because you did not speak in the morning!

Sardar Sant Singh: I can assure you that I am not going to make up for that. I am struck with some of the observations of the Honourable the Communications Member, by which he made an impression on us that the officers of the Railway Department do possess a mind and deal efficiently with the appeals of aggrieved persons in their Department and that no better system can be devised and no improvement was possible by appointing men of judicial mind to look into those cases, unless they are trained in the railway methods. My friend, Dr. Sir Ziauddin Ahmad, has been taking a lot of interest in the matter of appeals of employees to higher authorities. He has returned to the charge again after the lapse of about seven years. This means that during the seven years that has elapsed since he first moved his cut on this point in this House, he finds little improvement in the matter of appeals. There can be no doubt and I think the Honourable Member and we on this side are agreed on this, that the right of appeal is a valuable right. No better argument, is needed but this, that the right of appeal is vested in the employees. Once you concede the right of appeal, there can be no gainsaying the fact that it is a valuable right in service. But the real complaint is that though, the right of appeal is conceded in the rule but is broken in practice. As a matter of fact what is called as a right of appeal is in fact no right of appeal in practice at all. That is the trouble. The reason is obvious, and the Honourable the Communications Member cannot deny this fact that the decisions in appeals by aggrieved persons are couched in a language which my friend, Sir Ziauddin Ahmad, has called as stereotyped language. The authorities might as well prepare a seal and put it on every appeal and it will serve the purpose of disposing of the appeal of every aggrieved person. This trouble has arisen because of the system under which the appeals are disposed of. There are certain fundamental rules for the appellate courts prescribed in the Civil Procedure Code. I think the time has come when I should remind the Honourable Member of the procedure which he as a judicial officer must have been compelled to adopt under the law at the time. In a court, one rule of law in the matter of how judgments of appellate courts should be written will throw a flood of

light upon the method of how appellate courts are expected and not only expected but are forced to stick to and write their judgments in a particular manner—I refer to Order XLI, rule 31 of the Civil Procedure Code, in which it is stated “that the judgment of the appellate court shall be in writing and shall state the points for determination, the decision thereon, the reasons for the decision and where the decree appealed from is reversed or varied, the relief to which the appellant is entitled” That is to say, the appellate authority is forced to apply its mind to the facts of the case before it and come to a definite decision on each of the points raised in the grounds of appeal against the order of the first court That is the thing insisted upon in the courts of law, and if any appellate authority does not comply with those provisions of the law in writing, their judgment in appeal is set aside by the High Court and sent back for re-decision

Sir, I shall quote a few decisions of the High Courts in order to impress upon the Honourable Member to enable him to see if he thinks that his officers are doing the right thing, that they do comply with the provisions properly in dealing with appeals In some cases the course adopted was where the judgment was “appeal dismissed with costs”, and in another case where the judgment was “appeal rejected under section 551 of the Civil Procedure Code” Even when an appeal is dismissed under rule 11 a judgment is necessary Here again in one judgment it was said

“To deal with the grounds of appeal would be simply to repeat the judgment of the District Munsiff I concur in the decision the Dist Munsif has given on each point The judgment of the lower court is confirmed, for the reasons therein set forth, and this appeal is dismissed with costs”

So, such judgments were set aside by the High Court as no judgments at all Now, judging from the decisions given in respect of the appeals of these railway employees, will the Honourable Member say that his officers apply their judicial mind before giving their judgment

Mr. Lalchand Navalrai: Do they know law?

Sardar Sant Singh: They do not apply their mind to the appeals, they do not care for the grounds given in the appeals They merely want to say “We have given our personal attention to the appeal and we see no reason to interfere in the matter, and we therefore reject it” Is that the satisfaction an aggrieved person to get from the appellate authority when he is told that the Department has given him a right of appeal? Like a good Christian, what you give with the right hand, you take it away with the left because the left hand does not know what the right hand has given Is this the way in which appeals should be disposed of? It is not my friend, the Communications Member, nor is it the Railway Board who is to be satisfied It is the actual aggrieved person to be satisfied Your whole procedure is based on wrong conceptions

An Honourable Member: It is impossible

Sardar Sant Singh: If you say it is impossible, you do not know what a judicial mind is You do not care to see on what your judicial mind is based, and this is the mentality which is the subject matter of the Resolution before the House And why do you want a judicial-minded

[Sardar Sant Singh]

person to be there? Because we find from experience that this is the type of mind which has overtaken the officers of the Government. My friend is a great defaulter so far as the Post Office is concerned. There also true justice is not meted out. It is wrong. It is not the Department to be satisfied. It is the person aggrieved who is to be satisfied, it is the person who is deprived of his livelihood, it is the person who loses his labour of several years' service in the Department who has to be satisfied, that he is being treated justly and fairly. Why do you raise hopes in the minds of these people and the next moment you dash their hopes by not doing the right thing by your employees? I know of several cases, and in a recent case a person was charged with corruption. A charge sheet was handed over to him. The Inquiry Court said that charge was not proved. Then the Department said 'All right, we abolish this post' and the man was discharged. That is one story which was told by my friend, Dr Sir Ziauddin Ahmad. The other story which I want to tell is this. A young lamb was drinking water at the river. A tiger appeared, and it said 'Why do you pollute the water?' The poor lamb said 'No, I am drinking water from the lower stream while you are on the upper stream'. Then the tiger said 'if you don't pollute the water, your mother would have done it'. Sir, I ask is this the way of dealing with things? You first charge a man with some offence while your own officers say that the charge is not proved, and on the very next day you discharge him by giving him a month's notice, telling him that since a particular charge against him was not proved, there was something else against him. There is another case which was handed over to me only this morning by a railway guard. He was promised promotion and was given very good chits for good service from 1918 onwards up to 1940. Several people who were junior to him were given promotions, while this man has been making appeals after appeals, and not even one of them has been acknowledged. Is that the way to satisfy your employees? I should again like, for the benefit of my Honourable friend, the Director-General of Post Offices, to read to him another judgment of the appellate court and ask him who is to be satisfied. This is what is stated here.

"The reason of the rule has been stated to be to afford the litigant parties an opportunity of knowing and understanding the grounds upon which the decision proceeds with a view to enable them to exercise, if they see fit, and are so advised, the right of second appeal conferred by section 100."

Sir, these are judicial appeals. In criminal cases a copy of the judgment is given free to the convict. What for? In order to satisfy him that he has been found convicted rightly, so that he may beware and should not commit the offence a second time. It is the convict who has to be satisfied, and not the Magistrate or the appellate authority. Perhaps my friend has forgotten the old judicial system when he started life in his younger days. Probably he has forgotten those days, and he today needs to be reminded of the principles which govern the decision of appeals. Dr Sir Ziauddin Ahmad wants the right of appeal to be applied in a judicial manner by a person possessing a judicious mind. That is why he wants a judicial person to be there. There are about 750,000 railway employees. Government cannot sit tight over the rights of their subordinates. If there is discontent among the employees, it is mostly due to the fact that they do not get the right of appeal in the true sense which, they are told, they have. If you have given them those rights, then they must be protected and respected, so that there may be contentment in

the service. Even my very sober-minded friend, Sir Henry Gidney, said that he used language this morning which he would not ordinarily use in other matters while speaking on this motion, because he rightly felt that the railway employees were not getting what was their due or what was their right. This should make the Department pause and consider the whole position and think, not in terms of those who think they are doing justice, but in terms of those aggrieved people so that they may really feel satisfied that justice is done to them. The Department have to win the confidence of the people, and not the consolation of their conscience. These are two distinct issues, there are two definite methods of approach to the problem—one is whether your employees feel that you do justice to them in regard to their appeals. If they do not feel so, then it is high time that you revised your opinions and did something definite in order to satisfy them that the right of appeal conceded to them is genuine and real, and not a thing to wash their tears whenever they shed them suffering from the tyrannies of their superiors.

Lieut.-Colonel Sir Henry Gidney. Sober-minded words

Sardar Sant Singh: I am glad my friend calls these sober-minded words. I think that the spirit of the Resolution is for the benefit and improvement of the department concerned, and I hope that the Honourable Member will reconsider the position and do something in regard to giving better justice to railway employee.

Qazi Muhammad Ahmad Kazmi (Meerut Division, Muhammadan Rural). Mr. Deputy President, if there was any Resolution during this Session on which I think the Government could have come to a compromise, it was this Resolution, but now I feel after hearing the Honourable the Communications Member that the Government are no longer in the habit of coming to a compromise because they know well as to where the Opposition stands. The Honourable Member has refuted the arguments of Dr. Sir Ziauddin Ahmad by taking extreme cases. It is admitted by the Honourable the Communications Member that injustice is being done. It is also admitted to a certain extent that if certain Members of the Railway Department were put on for the purpose of an appellate court, that could not be inconsistent with the present system, but he objects to the imposition of judicial tribunals which is alleged to be suggested by this Resolution. My submission is that the Resolution, as it stands, does not contemplate any judicial tribunal. What it contemplates is that out of the Railway Department itself you can appoint certain persons who have got a judicial frame of mind, to look into these appeals and report to the officers concerned. What is the definition that the Honourable Member has given of a judicial mind? So far as I can see, the test that he has prescribed for an appellate court is such a rigorous one that I am afraid the Honourable the Communications Member himself will probably be debarred from hearing appeals from the Railway Board. May I ask, has he ever worked as a station master or a Divisional Superintendent? May I know whether he had come in individual contact with railway servants? He has not the disqualification of not reading some law. From the position which he occupies, he has had the misfortune of reading some law. The way in which he argued the case was not that of a railway officer, but of an advocate—he used such plausible arguments. Do you expect any railway

[Qazı Muhammad Ahmad Kazmi]

officer to talk in that judicial manner in which my Honourable friend has been talking before the House? I fear that will debar him from hearing these appeals, because the necessary condition for an appellate tribunal to hear appeals is that the person must be in actual contact with the railway employees. I do not know what is the length of experience of the Honourable Member in the railways, but I do not think that it would be more than one or two years. I think this will disqualify him absolutely from hearing any appeal from a railway employee.

An Honourable Member: And that is the reason why he does not hear appeals at all!

Qazi Muhammad Ahmad Kazmi: My Honourable friend must have had some experience of the judicial branch also, because, in his earlier days, he must have worked as an Assistant Collector or a Collector. May I submit to him that many persons in the judicial department have not got a judicial mind? The very idea of an appeal involves an idea of understanding the issues that are raised by the person who is aggrieved. There must be some judicial training of the gentleman who can understand it. I remember the story of a new gentleman who had come as an Assistant Collector. He was an I C S. Some Vakils appeared before him. The case was one of beating, under section 323 of the I P C. After the evidence was produced, the magistrate was inclined in favour of the accused and he thought that the man was beaten. Then the complainant said, "Your Honour, you do not understand what is the real case. This man married complainant's sister, but he is not prepared to marry his sister to the complainant." "I see the point now. Why did you not marry your sister to him?" "They are of quite different ages. How can they marry?" "It does not matter. When you married his sister, why did you not marry your sister to him? I understand the case." If you have such men in the judicial department—I admit that people of that type can be found in any department, because any man who comes new to any department may be of that type, they may develop themselves into quite good officers afterwards,—you can as well have people of that type in the Railway Department. My point is this, that this is a matter in which we can come to a compromise or understanding between ourselves. The Honourable Member has admitted that the present system of disposal of appeals is not wholly satisfactory, it is unsatisfactory he has admitted. There is one more point before I finish, and it is this. We have always found that administrative work is absolutely different from the work of hearing appeals and complaints. If people have both to hear appeals and to do executive work, they can never pay full attention to the appeal work that is before them. It was this experience that led us in the case of the Income-tax Act to appoint judicial tribunals separately from the people who carry on the inspection work in the Income-tax Department. It is admitted that appeal work is not properly disposed of by the railway authorities. People from your own Railway Department can be given this work separately. They must, for the time being, be absolved from the executive work, and then only will they be in a position to give sufficient time to appeals and mete out justice. I do not think that all officers are incapable, but people who have got a lot of other work to do, cannot be expected to give undivided attention and time to hear appeals and go into the merits of the cases. What the Resolution suggests is only this. You may appoint some persons who have got—

either you may give them judicial training yourself or get them trained anywhere else as you like, or take in persons about whom you are satisfied that they have got judicial training. Give them exclusively this appeal work for some time, so that they can understand the cases and do justice to the people who are aggrieved. That will be quite sufficient for the purposes of this Resolution. In this way the Government ought to accept the Resolution as it stands. The Railway Board may give a proper undertaking as to the appointment of tribunals to hear appellate cases as to the qualifications of which they may determine themselves or in consultation with the Members of this House. With these words, I support the Resolution.

Mr. J. H. F. Raper (Government of India. Nominated Official). Sir, as a railwayman it has shocked me very considerably to hear the very positive and vehement statements about railway officers during the course of this debate. I know that on all railways and on all districts and divisions of railways there is still *esprit de corps*. There is friendly contact still prevailing between officers and staff and I know that the passing of orders, whether it be a temporary withdrawal of a privilege or a penalty for some service fault, is the most painful part of the duty of any railway officer. I believe, I will be correct in saying that the Government have considered this question from rather a different point of view to my Honourable friend, Sir Ziauddin Ahmad, and I gather from some of the speeches that the Resolution provides only a partial remedy. The attitude of Government, or perhaps I had better say, the Railway Board to be more specific, has been to regard this matter from two points of view, firstly prevention and secondly cure, that is to say, prevention of bad decisions and the cure of those that are bad decisions and there are now in force very elaborate rules regarding discipline on all State Railways. Honourable Members will probably be aware of these rules but I will have to refer to them on both these points of prevention and cure. There are a very large number of faults, unfortunately, that can be committed by railway servants. Many of them are petty, some are very serious and there is provision on State Railways for serious offences to be considered by a committee of inquiry and not by an individual officer. It would be necessary, and it is necessary, for that committee to decide whether there has been an offence and then to decide who has committed it. That committee reports to a senior officer who makes the decision. Against that decision an appeal will lie to a further officer. There is, I think, you will agree—at least I hope you will agree,—a great deal of care bound to be present in the consideration of any serious case. On this committee of inquiry there are officers of the district or division under which the man accused of a fault is working. The officer who gives the decision is probably also an officer of that district or division.

Mr. Lalchand Navalrai: What is considered to be a very serious case?

Mr. J. H. F. Raper: I will quote from these rules. Perhaps that will be the best. A serious case or a very serious case is one which makes the man liable to dismissal and these are quoted in the rules. Conviction by a criminal court, serious misconduct, neglect of duty resulting in or likely to result in loss to Government or to the railway administration or danger to the lives of persons using the railway, insolvency or habitual indebtedness

[Mr. J. H. F. Raper]

Those are four very important ones and there is another one which I need not mention but those four which have been included in the rules are offences for which a railway servant is liable to dismissal. I described in brief how an offence is examined and the responsibility is fixed and who gives the order and it is against an order passed in that way that appeal is allowed. Certain other examples were quoted of a member of the staff, who had not been given a pass for example. He, too would feel he is entitled to appeal against that and cases of this sort are really of little consequence but—presumably they also would have to go to this judicially-minded officer. There are many varied decisions to be given, some resulting purely from expert knowledge such as a locomotive officer possesses or possibly an engineer or a transportation officer. Each of them is qualified to decide whether there has been an offence but they are not always necessarily accurate in determining what should be the correct penalty and it has, therefore, been provided in the rules regarding appeals that the appellate authority shall consider not only whether the facts on which the order was based have been established, and whether the facts established afford sufficient ground for taking action but also whether the penalty imposed is inadequate or excessive. I have myself had considerable experience on a railway as a district officer, is the head of a Department and as a General Manager and in my latter years both as head of a Department and General Manager. I have intimate knowledge how one railway deals with appeals. In one particular year I received three appeals only whilst head of a Department, and allowed them all—one because the decision was too harsh and the other two because these rules had not been correctly carried out. This illustrates that anybody who is punished now has an appeal not only against the actual decision punishing him but also against the application of the rules if he thinks he can find a loophole that the rules have not been properly observed. I have given that as a background. I should like now to deal with certain Honourable Members' remarks.

Lieut. Colonel Sir Henry Gidney: What would be the composition of that inquiry committee?

Mr. J. H. F. Raper: It would consist probably of one senior scale and two junior scale officers, but that would vary on different railways.

Lieut. Colonel Sir Henry Gidney: But I ask again, would it include the Divisional officer who has charged the man?

Mr. J. H. F. Raper: Probably. This committee of inquiry might frame the charge sheet. The particular individual who has committed the offence would appear before this committee of inquiry and he would be allowed a brother worker to help him in conducting his case.

Mr. M. S. Aney: Is it an *ad hoc* committee or a permanent committee on each railway?

Mr. J. H. F. Raper: It is appointed when necessary. I am glad to say that railwaymen are very good fellows and they do not commit many mistakes, and a standing committee is not necessary.

Qazi Muhammad Ahmad Kazmi: Can the man be represented by any legal adviser?

An Honourable Member That is what you want

Mr. J. H. F. Raper: No I would now like to refer to a remark passed by my Honourable friend Sir Henry Gidney. He stated that General Managers discharge people on clause 2, I think he said, of their service agreement rather than dismiss them, to avoid charges for wrongful dismissal. But I believe that to be an unfair statement. There is actually one clause in the rules which provides for a General Manager to take that action. I would like to read it.

"Provided that nothing in these rules shall abrogate the right of the General Manager in exceptional circumstances to remove a railway servant from service under the terms of his agreement without the application of the procedure prescribed in these rules and without assigning any reasons, if he considers it desirable to do so. This power shall not be delegated to an authority lower than the Head of a Department."

Here again, I would like to quote from my experience as a Head of a Department and as a General Manager since 1933. I have never asked for that power to be used and during the whole of that time I only know of one case when as General Manager, I was asked to exercise that power and I regret to say I had to use it, with hesitation and reluctance. I, however, found that it was absolutely necessary.

Lieut.-Colonel Sir Henry Gidney: As regards yourself, from my experience I agree with you.

Mr. J. H. F. Raper: I would now like to refer to my Honourable friend, Mr. Joshi's speech. He stated—if I heard him aright—that the authority hearing appeals turns them down to maintain the prestige of the officer who reached the decision originally. Here again there is no case actually quoted. The Honourable Member for Railways referred to the fact that a high official of a Railway has knowledge of all the officers under him and knows the confidence that he can place in their capabilities and of the manner in which they carry out their responsibilities and when considering an appeal, the officer does take that into account—I have always done so and I always should. As regards the officer who has passed the original order, if he has known him well, and known him to be of sound judgment, then I think he would be entitled to take his views into consideration and to regard his views more favourably than if he had little confidence in that officer. But there are of course limitations. The officer who deals with an appeal—so far as my own experience goes—would take such officer's view mainly on the point of assessing the punishment, because that officer in that district should be able to appraise what should be the punishment in a particular case rather more than the General Manager would. Then my Honourable friend, Mr. Joshi, also referred to the delays which have occurred in the disposal of appeals. Several other Honourable Members also referred to this point. It has certainly impressed me and I know that sometimes very serious delays occur. I think in one case quoted there was a delay of a year and yet there was no reply.

Dr. Sir Ziauddin Ahmad: There was a delay of seven years in one case.

Mr. J. H. F. Raper: I think the file must have got lost. I recognize that serious delays in appeals cause very great anxiety and possibly even injury to the men concerned, and I am authorised to state that this

[Mr. J. H. F. Raper:]

particular point will be very carefully considered, and we will see what we can do to speed up those appeals that are outstanding and prevent delays to those to come.

I would like now to refer to what my Honourable friend, Mr. Aney, said. Mr. Aney referred first to the decisions regarding serious cases being left to the district officer and thought that they were rather arbitrary decisions. I have referred to the disciplinary rules which have been framed to prevent arbitrary decisions. These rules are not yet final. They were introduced first I think about 1929, they were revised in 1936.

Mr. M. S. Aney: After the Royal Commission

Mr. J. H. F. Raper: and the revisions are going on quite frequently still, one or two have occurred in the last two years, both dealing with this point of appeals. The Board have endeavoured to make the procedure for reaching decisions as thorough as possible, and there are relatively few appeals considering the very large number of staff. That is not however quite a fair method of comparison because, as I have already said, there are relatively few faults committed by the staff, the fact does remain, however, that there are not a large number of appeals. Mr. Aney wanted Government to take a note of the various points that had been made in this debate. I may say that from the point of view of the Railway Board we do not regard our present rules as being perfect, we cannot obviously claim that our officers are infallible, however good an opinion we may have of them, we have yet to take into account Mr. DeSouza's Report, and I can assure the House that the points made in this debate will be borne in mind very carefully when consideration is being given to Mr. DeSouza's recommendations and in particular to that recommendation regarding a central commission. Before ending, I feel that I ought to refer to my Honourable friend Sardar Sant Singh's principles, or rather to the principles underlying what he said. I gathered that he said that the reply to an appeal should satisfy the appellant. There is a magnificent principle underlying it, that a judge in a court of law must satisfy the accused.

Sardar Sant Singh: It is his business to do so.

Mr. J. H. F. Raper: Well, we might try to do it but we cannot always do it. (Interruptions)

Qazi Muhammad Ahmad Kasmi: Satisfy the advocate of the accused.

Mr. J. H. F. Raper: That is another matter.

Sir Syed Raza Ali (Cities of the United Provinces Muhammadan Urban) I believe what was meant was that the judge must inspire a sense of justice in the person who is appealing to him, you have to win the confidence of the man.

Mr. J. H. F. Raper: I can only repeat that all the points that have been made—and many of them I regard as valuable—will receive our most careful consideration when Mr. DeSouza's Report comes up for final decision.

Sir Syed Raza Ali: I just wanted to know whether my Honourable friend can give approximately the number of appeals by railway officers that are made to superior officers on various railway lines. I know the number must be very large. I am asking that question because my friend said the number must be very small.

Mr. J. H. F. Raper: I was speaking from experience through a number of years, over twenty-five years, and especially in the later years. I have come across relatively few and whilst head of department made it a point always to see all the appeals made to the head office.

Sir Syed Raza Ali: Could the Honourable Member give the annual number of these appeals?

Mr. J. H. F. Raper: I could not. I may repeat however that in one particular year as the head of the department I did not have more than three appeals. That is in one department of the third largest railway in India.

My Honourable friend, Mr. Kazmi, suggested that the appointment of an officer with a judicial turn of mind to each railway would meet the Resolution. That seems however hardly a proper interpretation of the Resolution according to the speeches made and it would scarcely be proper for us to agree to that as meeting the Resolution.

Dr. Ziauddin Ahmad: Sir, when I moved my Resolution, I said at the very outset that a question of this kind could not be decided by the vote of the House. My object was simply to bring to the notice of the Government this matter that they consider it seriously. But the attitude taken up by the Honourable Member in reply to this simple request leaves me no other alternative but to divide the House on this issue. The Honourable Member said why do we not ask for the same kind of treatment in the case of the Tata Company or the Mills in Bombay and why should this demand be made only in his case as the head of a very big commercial concern, namely, the Indian railways? But my friend has forgotten that the Indian railways are not altogether a commercial concern. For instance, have the Tatas got any facility to come before us and demand an imprisonment Bill from this House? Have any other commercial concerns got the courage to come before this House and demand a Bill of that kind? Since the Railway Department is considered as one of the most important Departments of the Government no doubt with a commercial tendency, there is no reason why the rules that are observed in the case of the servants of the other Departments of the Government of India be not observed in the case of this Department as well. May I just remind my Honourable friend about the very important speech delivered by Sir George Rainy on the floor of this House when he said that he would agree to the cut in the case of the railway employees only if the cut was applied to other Government servants as well. But if it was to apply only to the railway servants, then he would oppose it tooth and nail. In any case, his opinion prevailed and we

[Dr Sir Ziauddin Ahmad]

applied the same principle to all the employees of the Government of India. So, this is to be treated as a Department of the Government.

May I also remind my Honourable friend that he is not so familiar with the people who are serving in the railways as we are. We, on the Opposition Benches, know them very well. Good many of them are our voters and we have to go to them for the votes as well. We know exactly what their attitude is. I can assure him that he is living in a fool's paradise if he believes that the railway servants are well satisfied. I have not come across a single railway servant who is satisfied. Whether it is the case of a subordinate or an upper subordinate or an official, they are all dissatisfied. They really think that justice is not done to them. If these are their feelings, it is the duty of the Honourable Member to find out whether it is a fact or not. It is not enough for some people to come forward and say that this is not the case. In this case, we are a greater authority to say whether the railway servants are satisfied or not. Sir, security of tenure is a great thing in service and it is for this that we are fighting for. Now the Government of India have made certain rules in the form of appeals for the security of tenure. I have seen Srinivasan's big volume in which he has codified all the rules made by the Railway Board from time to time. But I doubt very much if the officers of the railways have read them. Our only request is that the rules framed about appeals by the Railway Board or the Government of India ought to be observed, and we believe that they are not observed in the case of appeals. These rules do provide about appeals but they are not observed. My Honourable friend, Mr Raper, has given definite example of this kind. Had every officer been of that type, probably the difficulty would not have arisen and there would have been no occasion to move a Resolution of this kind. But, unfortunately, persons of his calibre are very few, so we cannot judge the Railway Department by his own character. Probably he knew my opinion seven years ago when I expressed to him what I am saying today. I know certain officers very well and I can say that they never look into the files. Whenever they go out for a shoot and if it is a successful one, many appeals are granted. But if the shoot was a bad one then probably all the appeals are rejected. But these officers in their executive work are A1 but in the case of appeals they are hopeless. Perhaps the reason is that probably they did not have the kind of training which is necessary to listen to these appeals. Although it is not provided in the Code, the practice is what we are emphasising today and what we emphasised in 1934 also. What actually happens is this. In the first place this Committee of Inquiry mentioned by Mr Raper is only on paper. Perhaps it is done in not more than 30 per cent cases. What happens is this. The Superintendent who passes orders on this supposed Committee of Inquiry passes them with the previous sanction of the appellate authority, namely, the Divisional Superintendent. So, whenever an appeal is made to the Divisional Superintendent, he has no reason to interfere with the matter. Sir Henry Gidney also emphasised this fact on the floor of the House in 1934. It has happened time after time that the consent of the appellate authority is taken before the orders are passed and therefore they are called a farce. It is all very well for the Railway Board to say that this is not the case but we who know the real conditions of life, know much better what is going on in these places. We know the kind of men you have got and we also know their moral

standards. We are better judges in this matter than you are. In one of the debates in this very House I said in 1931 that if I retire I would certainly like to be the Station Master of Chori-Chora because the salary of that post is Rs 4,000 a month. I thought I would not be able to get it because Sir Alan Parsons would probably be the second candidate for the same post and he would probably get it. I am not going to tell all these things now. What I want to emphasize is this. The object of my Resolution is you should have a judicial decision and not an injudicious decision. The rules which you yourself have framed should be strictly observed and you should employ men who would practically observe the rules. There is no harm if we appoint a tribunal.

[At this stage, Mr President (The Honourable Sir Abdur Rahim) resumed the Chair.]

I have used the expression 'judicial mind' for this reason that there may be in the Railways persons of Mr Raper's calibre good enough for judicial work and such persons may be appointed. But in the majority of cases you will have to take men from lawyers or from Judges. I mean those who will understand the rules and follow them. The rules are not observed in a majority of cases. Either they do not understand the rules or they think it is not necessary to apply them. I have drawn the attention of the Honourable Member to the cases which actually exist and lest he should challenge the truth of these cases, I have fortified myself with an actual list of those cases. If necessary I can hand over the list to the Honourable Member for him to investigate. But my experience in the past tells me that once these cases are handed over to a railway official, the fate of those individuals is doomed. The guarantee which they ordinarily give is not observed in practice. I submit that the Honourable Member for Railways should examine this particular question and if the allegations that we make are found to be correct, then you should employ persons who will give judicial decisions and see that the present state of affairs do not continue. With these words, I resume my seat.

Mr. President (The Honourable Sir Abdur Rahim) The question is—

"That in view of the unsatisfactory nature of attending to the appeals of the Railway employees, this Assembly recommends to the Governor General in Council to appoint officers of judicial mind and attach them to the offices of the General Managers and of the Railway Board to listen to the appeals of the Railway employees, and to scrutinise the present rule of attending to those appeals."

The Assembly divided

Abdul Ghami, Maulvi Muhammad
Abdullah, Mr H M
Aney, Mr M S
Azhar Ali, Mr Muhammad
Banerjee Dr P N
Chattopadhyaya Mr Amarendra
Nath
Datta, Mr Akhil Chandra
Deshmukh, Mr Govind V
Essak Sait, Mr H A Sathar B
Ghansuddin, Mr N M
Gidney, Lieut.-Colonel Sir Henry

Joshi, Mr N M
Lalchand Navalsai, Mr
Maitra, Pandit Lakshmi Kanta
Muhammad Ahmad Kazmi, Qazi
Murtuza Sahib Bahadur, Maulvi
Syed
Nauman, Mr Muhammad
Rafuddin Ahmad Siddique, Shaikh
Raza Ali, Sir Syed
Sant Singh, Sardar
Siddique Ali Khan, Nawab
Ziauddin Ahmad, Dr Sir

NOES—39

Abdul Hamid, Khan Bahadur Sir
 Abdul Hamid, Khan Sahib Shaikh
 Ahmad Nawaz Khan, Major Nawab
 Sir
 Bewoor, Sir Gurunath
 Boyle, Mr J D
 Buss, Mr L C
 Caroe, Mr O K
 Chapman Mortimer, Mr T
 Chettiar, Dr Rajah Sir S R M
 Annamalai
 Clow, The Honourable Sir Andrew
 Dalal, Dr R D
 Dalpat Singh, Sardar Bahadur Cap
 tain
 Frampton, Mr H J
 Griffiths, Mr P J
 Gwilt, Mr E L C
 Ikramullah, Mr Muhammad
 Imam, Mr Saivid Haider
 Ismael Ali Khan, Kunwar Hajeer
 Jawahar Singh, Sardar Bahadur
 Sardar Sir
 Kamaluddin Ahmed Shams ul
 Ulema

Kushalpal Singh, Raja Bahadur
 Lawson, Mr C P
 Maxwell, The Honourable Sir Regi
 nald
 Mazharul Islam, Maulvi
 Miller, Mr C C
 Muazzam Sahib Bahadur, Mr
 Muhammad
 Mudalur, The Honourable Diwan
 Bahadur Sir A Ramaswami
 Mukharji Mr Basanta Kumar
 Pillay, Mr T S S
 Rahman, Lieut Colonel M A
 Raper, Mr J H E
 Rau, Sir Raghavendra
 Scott, Mr J Ramsay
 Sivaraj, Rao Sahib N
 Spence, Sir George
 Staig Mr B M
 Thomas, Mr J H
 Tyson, Mr J D
 Zafullah Khan The Honourable Sir
 Muhammad

The motion was negatived

RESOLUTION RE RECOGNITION OF UNIONS OF GOVERNMENT EMPLOYEES

Mr. H. M. Abdullah (West Central Punjab Muhammadan) Sir, I beg to move

"That this Assembly recommends to the Governor General in Council that the present discriminatory policy of Government as regards the recognition of so called common unions of Government employees and non recognition of the so called communal unions of Government employees should be abandoned, forthwith and unions of employees belonging to any one particular section or community should be officially recognised"

Sir, during the last Budget Session my Honourable friend, Mr Nauman, on behalf of the Muslim League Party in the Central Legislature moved a cut motion in this House to call attention to the Government of India's policy with regard to the recognition of trade unions. Unfortunately, this cut motion could not be discussed at length for want of time. The subject is so important that no apology is needed to revert to it. The facts of the case, so far as I have been able to understand them, are that the principle laid down by the Government of India in the recognition rules is that organisations must consist of a distinct class of Government employees and that all of them must be eligible for membership. Unfortunately, Government do not regard the members of any service who happen to belong to a particular community as constituting a distinct class. Everybody in this country knows that Muslims are separately classed as such in all spheres of life. In the forthcoming census operations Mussulmans will definitely be classed separately. In all elections to the Provincial and Central Legislatures Mussulmans have been allowed separate electorates. The Muslim League Party in this Legislature form a definite class of Members. So far as the Government

services are concerned, Mussulmans are classed separately for purposes of recruitment. In fact ever since the birth of a Muslim child he is registered as a Mussulman in the municipal records, he is brought up in a Muslim home, he is educated in Muslim schools and is recruited as a Muslim candidate. Until the date of his recruitment he retains his individual identity as a Mussulman. But as soon as he enters Government service the Government of India expect that he should submerge his identity as a Mussulman. This is far from being correct. Mussulmans are not only a distinct class, they are definitely a separate nation. Even the foremost leaders of the Hindu Mahasabha have admitted that Hindus and Mussulmans are separate nations and "never the twain shall meet". Even the Government of India have recognised the separate identity of Mussulmans in all spheres of life, particularly the political sphere. But they are still keeping their eyes sublimely shut to the fact that Mussulmans in the services also are a definite and distinct class. It is said that when a pigeon sees a cat approaching he shuts his eyes and imagines that the cat does not exist. That is the position of Government in this matter.

It is understood that the Executive Council of the Government of India have passed a Resolution to the effect that communal unions should not be recognised. The exact definition of the word "communal" has never been laid down anywhere. It is, however, always interpreted to mean that unions of Mussulman employees who frankly proclaim by their very name the exact nature of their association should not be recognised and that all other associations or unions who camouflage their identities under a national, super-national or a hypernational denomination should be recognised. Let us take the railways, for example. The Government of India have recognised the All-India Railwaymen's Federation as representative of railway labour in India. Has the Honourable Member for Communications ever taken the trouble to ascertain how many members of this union are Mussulmans and how many non-Muslims? If he will, he will find that over 90 per cent of the members and office-bearers of this union are non-Muslims. Still this union is supposed to be representative of Muslim labour as well as non-Muslim labour. It is understood that Mr Jamnadas Mehta who has been for many years the President of the All-India Railwaymen's Federation is also a prominent office-bearer of the Hindu Mahasabha at Bombay. Can such a person represent Muslim interests? Hindus have captured the so-called common unions which Government have recognised, I think, through mere fright. However, Hindus are not the only favoured community. Government have also a certain affinity with the Anglo-Indian community. And as members of Government do not wish to be outdone in respect of their 'nationalism', they have also recognised the unions of Europeans and Anglo-Indians who are pleased to call themselves by the high-sounding name of the National Union of Railwaymen in India and Burma. Has the Honourable Member for Communications ever taken the trouble to ascertain how many members of this association are Anglo-Indians and Europeans and how many belong to the other communities? In fact it is very well-known both to the Honourable Member and to the world at large that because Government consist of Hindus and Europeans the unions of these two communities are recognised by them and unions of the Muslim community are not recognised because the Muslim voice does not reach Government ears.

[Mr. H. M. Abdullah:]

Sir, it has been clearly demonstrated that the effect of the decision of the Government of India not to recognise communal unions has been the elimination of Muslim unions only. The communal unions of the Hindus and the communal unions of the Anglo-Indians and Europeans have been recognized. The only difference is that these unions profess to be 'National unions', which they are not, while the Muslim unions candidly own up to being Muslim unions.

It is sometimes stated that there is nothing in the constitution of the so-called common unions prohibiting the entry of the Mussulmans into these unions. It, however, each and every Muslim Railway employee were to become a member of either the Hindu Union or the Anglo-Indian union, their representation in these unions could not be more than about 15 per cent for the simple reason that that is the percentage of Muslim employees in the Railway Services. Considering, moreover, the fact that a very large number of these Muslim employees are in the lowest ranks, their representation in the deliberations of these unions could not possibly be effective.

Our friends in the Congress are very fond of waxing eloquent on this theme. In their impassioned speeches, they frequently ask why Mussulmans do not join the Congress in large numbers and capture it. The answer is obvious. Mussulmans can never capture the Congress for the simple reason that their total population in the country is about one-fourth of the Hindu population. For similar reasons, it is impossible for the Mussulman members of the railway or other government services to capture common unions just because their total percentage in these services is practically nil.

Mussulmans are very averse to joining the so-called common trade unions as these unions are hot-beds of communism and atheism. The leaders of these unions are either the preachers of the Red cult or votaries of the Hindu Mahasabha or the Congress. From ideological and cultural reasons, therefore, Muslims find it impossible to join these common unions. In fact, Mr. Jawahar Lal Nehru, in one of his letters to the *Qaid-i-Azam*, claimed that all the trade unions in the country subscribe more or less to the Congress creed. That these unions do receive their inspiration from the Congress High Command is illustrated by the fact that in a message to the 18th session of the All-India Trade Union Congress, Pandit Jawahar Lal Nehru expressed the hope that the Trade Union Congress would give its full support to the attitude taken by the Indian National Congress in regard to the war. In his Presidential address to this conference, Dr. Suresh Chandra Banerjee stated that there is no way for the Trade Union Congress but to wholeheartedly cooperate with the All-India National Congress in its coming fight. He further observed that the aim of the trade union movement in India was to establish a socialist state.

The Muslim nation does not subscribe to these principles. They cannot, therefore, be expected to submerge their identity and their culture in the identity and culture of the other communities in the country.

Mr. N. M. Joshi (Nominated Non-Official) What about Bokhara?

Mr. H. M. Abdullah: As a separate nation, they cannot allow their identities to be so submerged and will resist such an attempt on the part of the Government with the greatest possible vigour.

For these reasons, I would request the Government to review their present policy of ignoring realities and to accord recognition to the Muslim organizations just as they have accorded recognition to the Hindu and Anglo-Indian and European organizations of government employees

With these words, Sir, I move the Resolution

Mr. President (The Honourable Sir Abdur Rahim) Resolution moved

"That this Assembly recommends to the Governor General in Council that the present discriminatory policy of Government as regards the recognition of so called common unions of Government employees and non recognition of the so called communal unions of Government employees should be abandoned forthwith and unions of employees belonging to any one particular section or community should be officially recognised"

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) Sir, I join in this debate for two particular reasons. One reason is that the Honourable Member who has just moved this Resolution is wholly incorrect when he states on the floor of the House that there is an Anglo-Indian Railway Union. There is no such thing in existence, nor will the Government permit one. I will give you my experience. A few years ago I seriously considered the idea of forming a Anglo-Indian Railway Union. One Railway accepted it, but when I approached the Railway Board I was distinctly told that Government was not prepared to recognise any communal organization of labour. This decision rather amused me because Government on the one hand have recognised a communal differentiation *i.e.*, percentages in the services and on the other hand they refuse to recognise a communal union. I did not press the point because I felt that I could as well voice my views on the floor of this House. But there is such a Body as the Anglo-Indian and Domiciled European Association, All-India, but it is not organized or functioning in the shape of a union. Nor is this Association registered under the Trade Unions Act.

The next point I wish to correct is about the National Union of Railwaymen of India and Burma of which Union I am the Advisory President. I desire to state that that Union has been pronounced on the floor of this House by the Government Member as being the best organized Railway Union in the whole of India, and correctly so. It is not a communal Union. It has as members an equal number of Indians—Hindus and Muslims as Anglo-Indians and Europeans whose cause it has fought with just the same vigour and enthusiasm as it does for its other members though I admit it was once upon a time composed of Anglo-Indians and Europeans. Today it is certainly an All-India Railway Union well organized and of great help to Government. It has a very capable President and General Secretary and has Indians on its Councils. It certainly is not a communal Union. With these two preliminary remarks I will now deal with the Resolution. A Resolution of this nature has my sympathy for more reasons than one, the Chief cause of my sympathy may be one that will irritate some of my Honourable colleagues in this House. I hope it will not have this effect for I have no such desire. It is this. The Government of India meet what is called the Federation of Railwaymen's Unions twice a year. That Federation, with all respect to it, is more or less entirely a Hindu concern.

Mr. N. M. Joshi: No.

Lieut.-Colonel Sir Henry Gidney: I say Yes and this is very easy of proof if you will examine its membership rolls

Mr. N. M. Joshi: And I say No

Lieut.-Colonel Sir Henry Gidney: I again say emphatically Yes. I attended one of these meetings as a representative of the National Union of Railwaymen, and the Chief of that Federation denied me the right to speak. I told him I would speak and I did speak and spoke out my mind regarding its Hindu composition. There were all Hindus but there was one Muslim—I think he wore a white cap. Whatever that may be, the fact is the Railway Board toys with this union representing as it does only one community in the whole of the Railways in India and it imagines that it is dealing with the problem of all the Railway employees throughout India. That is as far as my experience goes. To accept and to meet one Union only and to settle matters affecting the interests of all Railwaymen in India is to deny the other Unions and employees the right of being heard. Many employees with their own unions have not associated themselves with the Federation because they lend themselves to being used by political wire-pullers and who under such influence often embarrass Government with threats of strikes, etc. The Mohammedan Railway Association had once closely associated themselves with the National Union of Railwaymen and amalgamated with it but for some reason best known to, once my friend but now my enemy in this House, Dr Sir Ziauddin Ahmad. They prefer to live an independent existence and which I think is not to their advantage. And was it not Dr Sir Ziauddin who the other day objected to the minimum wage of Rs 55 to Anglo-Indian Railway employees. But he clean forgets that he is the biggest bigot demanding all sorts of percentages and preferential treatment for Muslims. Again, when he condemned this grant to Anglo-Indians he and others in this House and in the Press were remarkably silent in admitting that this Rs 55 minimum wage was today being received by Hindus, Muslims, etc., in the Telegraph Department and for which they must thank the Anglo-Indian Association.

The point, however, is that this Railway Association of Muslims is a very strong body. It represents a large percentage,—a growing percentage of Muslims on the Railways. For reasons best known to themselves they will not associate themselves with the Federation of Railway Unions, and, if you ask my view on that matter with about 25 years experience of Railway matters, I think they are wise in their decision. But the question is this. If Government are prepared to recognise one Union called the Federation of so-called Unions some of whom had a paper strength—many of whom I hear are not even registered under the Trade Unions Act and many of them have nothing in their bank accounts,—I say if Government think they are going to deal with Railway problems in this fashion then I say it is not fair. I am told that the Muslim Association have been told times out of number that it is against the policy of the Government to recognise communal labour unions. I ask why should there be one policy in recognising communal percentages in services and another policy in refusing to recognise communal unions? I do not know. I think it was Mr Fazlul Huq who said communities divide and Government rules. On Railways, unfortunately, there is a complete division between Hindus and Muslims and other communities. I wish we could all get together and

form one powerful union of labour on a par with the Trade Unions in England. For reasons best known to themselves our Mohammedan friends are side-tracking, they demand a separate union for a variety of reasons, and if Government do not grant them recognition it will be, to say the least, a short-sighted policy on their part. If Government refuse such recognition I say let them at least recognise the representation of an adequate number of Muslims and other communities who serve on the Railways at all conferences that they have with the Federation of Railway Unions. That way and that way alone will they get the employees' views straight from the horse's mouth, otherwise they will get it from Mr. Jamnadas's mouth. I have a great admiration for Mr. Jamnadas. He has done a lot of good work. The Federation of Railway Union has represented many matters to the Railway Board, and all employees have benefited considerably. But it is not right for the Railway authorities to refuse recognition of a large body of its employees in the way it is doing. I repeat it it cannot recognise a separate union even as a separate communal entity, then I suggest to the Honourable the Communications Member that he do order that at every meeting of the Federation of Railway Unions there should be representatives of Muslims, Anglo-Indians, Europeans, Parsis, Christians and Depressed Classes because then and then only will you have the views of a body of employees who will present to the Railway Board true facts. I suggest to the Honourable the Member that if Government are prepared to accept my suggestion he should withdraw his Resolution.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa Muhammadan) Sir, I rise to support this Resolution which has been moved just now for the recognition of unions. Although I know the fate of this Resolution, yet, I want to say a few words in support of it. Probably this is going to meet the same fate as the one previous to this and this reminds me of a line in Urdu

*"Qasid ke ate ate khat or likhkrakhoon
Maloom haiy keh kha voh likhengay jawab men"*

which means "that before the messenger returns let me write another letter, because I know what reply I am going to get". However, I feel it is my duty to point out that Government are not doing what they ought to have done. Government are in the wrong in this matter, and they ought to realise the fact before it is too late that they are in the wrong. There was a time when Government used to say that the Congress group opposes everything, and the Congress Members had come here merely for the sake of opposition to every proposal. Now, even those who were the supporters of the Government on some most vital issues are today flouted by the Government and are meeting same fate of "No" to everything. We supported the Government on the Army Bill, which was a vital issue. We have not come here to oppose the Government for the mere sake of opposition, and we only propose things which appears to us to be absolutely right. The Government would not agree with us even there. As some time ago our Leader, Mr. Jinnah, said, when we are in the right, nobody is prepared to support us, but everybody says 'You support me because I am in the right'. On many occasions the Congress thought that they were in the right and wanted our support but my party supported the Government. But when we are in the right, nobody comes and says that they would support us.

[Mr. Muhammad Nauman]

With this introduction, I wish to say a few words in support of this Resolution. Now, what does this Resolution seek? It says that the present discriminatory policy of the Government as regards the recognition of so-called communal unions of Government employees and non-recognition of the so-called communal unions of Government employees should be done away with, and unions of employees belonging to any particular community or section should be officially recognised. My friend, the Member from Lyallpur, has already explained that the Muslims have taken a definite stand, that they are a separate entity, that there are a distinct and a separate nation in this country, that they cannot submerge their identity with any other people in any sphere unless it be on some particular consideration or understanding that may be arrived at by mutual agreement or consent in some distant future. As we stand here, we have made it abundantly clear that we are a nation, and we must have a separate identity in politics, economics and society of this country.

Mr. M. S. Aney (Berar Non-Muhammadan) No, no.

Mr. Muhammadan Nauman: The Government of India have recognised our claim of a separate nation by granting us separate electorates.

Mr. M. S. Aney. No.

Mr. President (The Honourable Sir Abdul Rahim) The Chair does not think the Honourable Member can be interrupted like that. He must be allowed to proceed without such interruptions.

Mr. Muhammad Nauman: The Government of India have recognised our position as a separate entity by granting separate electorates to Muslims. That was done long ago, and that shows that two different nations are living in this country. And to tell us now that in matters of labour unions, there should be only one joint Union is a thing which I for one cannot understand. The Government should have asked us to submerge ourselves with other communities from the very beginning, and they should have said that there is only one nation in this country. They have not done so. On the other hand, they have accepted the position that there are different communities, there are divisions, and there are distinctly different political and social orders, and as such they ought to have separate rights and separate privileges for themselves. Sir, last year also I laboured this point when I moved a cut motion and my friend, Sir Henry Gidney, advocated our point very well even today. I think when the Honourable Member in charge rises to speak he will be able to support what I have said, because it is a conclusion which cannot now be resisted without introducing fiction and fallacies.

Now, Sir, you may ask why should Muslims be shy of joining one and the same joint union. The position is absolutely clear. They can never have any distinctive or appreciable majority to do something in that organisation which is named the so-called Joint Labour Union. That is our conscientious objection even to the Congress organisation. That is our objection to the organisations of Labour Unions as well. Then, again, what is the harm if the Government of India recognise one, two or three or ten unions? Is there any limit prescribed? Have the Government of

India made any regulation? Has any resolution of Executive Council been passed to the effect that they would not recognise more than five unions, more than ten unions, more than hundred unions? Then why should it be argued on behalf of the Government that because a certain community people have joined a certain organisation they will not be recognised? I could well understand if there be a limit of membership prescribed. I could understand if the Government of India said, "We would only recognise a union which would have ten thousand persons, or which would have twenty thousand persons, as members". I could understand that I could understand if the Government said "We would only recognise such unions as are being run and worked on a particular basis and on a particular system", but I do not understand for a moment the argument that they would not recognise a certain labour union because it consists of members of a particular community, a particular nation, and particularly, when that nation, that particular community has made it clear in unequivocal terms that they cannot combine with any other nationals or with the people of any other community in this country in any sphere of activities for reasons better known to them, or at least for reasons which I am not prepared to state on the floor of the House as they would be rather too much and may not be relevant. Thus, it is not only a question of principle with Muslims, but also one of practical utility. The number of Muslim employees in the railways is not more than 15 per cent at the moment. Even if the entire Muslim employee population are persuaded to join a particular union, they would be at best only 15 per cent and, naturally, a community which has got a voice of 15 per cent in a particular organisation cannot be expected to wield any influence worth the name and has to accept the position of "Camp followers" for all times.

Another argument sometimes advanced by certain Government officials is, what is the difference between your requirements and the requirement of the members of other communities who are also employees? There may not be, but why should Government be shy of recognising the union which is composed of members of only one community? My Honourable friend, Dr Sir Ziauddin Ahmad, has written in his book, that in Europe also such examples are not wanting. In Germany there were certain trade unions which were entirely those of the Jews,—baker's unions. There were certain unions in Holland which consisted of members of only one community there. I know there are certain clubs in Germany which are meant only for Indians. There are certain clubs in England which consist only of Indians. Do you mean to suggest that for the mere fact that those clubs consist entirely of Indians, that they should be dubbed as communal and should not have been permitted to exist in those countries?

Mr. N. M. Joshi: They are regarded as communal

Mr. Muhammad Nauman: You may regard them, but they are not shy of being so-called. Some Honourable Members have said, "Why cannot you take away the name 'Muslim Employees' Association'? If you take the name 'Muslim', then we have no objection." We do not want to do that. Whether you recognise or do not recognise, whether you accept or not we will call white white, black black. We will not be shy of saying that it is "Muslim Employee's Association". I think it is in the interests of the administration to have better understanding with their employees,

[Mr Muhammad Nauman]

to have a better understanding with the organisation which their employers may have. Instead of having to settle with all the other employees over a particular dissatisfaction or misunderstanding which might arise in a particular class of people, instead of approaching the entire clientcy of the employees, you can argue with one particular representatives of that section through the organisation and set right matters. It will be the duty of the representatives of that organisation to explain their members' feelings and avoid any difference which might have been created even wrongly in regard to any matter. So, I think it is in the interests of the administration as well. Again, it may be said, once the Government have said "No" in a particular manner they will have to remain so. But that is not practical politics. That has not been the practical politics in any part of the world. If a certain action was considered to be right a year before or ten years before, it is not necessary that it should be considered right today. I would ask the Government to think over the matter and I hope and trust that they have had enough time to consider whether our demand is absolutely cogent, is absolutely consistent and right or not. We have no quarrel with any other community. We do not want to trample on the rights of other people. We do not want to take anything from anybody else. We have nothing to do with the rights of members of other communities in being recognised as separate from us.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

Mr. Muhammad Nauman: We only demand our own rights, our own liberties, our own share in the administration, and for the better understanding of all concerned I feel that it is absolutely necessary for the communal unions, the so-called Muslim organisations and Muslim unions, to be recognised by the State. With these few words, I support the Resolution.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 22nd February, 1941.

LEGISLATIVE ASSEMBLY

Saturday, 22nd February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

†118.*

PRIVATE AND PUBLIC PURCHASES OF IMPORTED GOODS DURING THE WAR

119. *Mr. F. E. James: Will the Honourable the Finance Member be pleased to state

(a) whether his attention has been called to the discussion in the press and elsewhere arising out of a sermon on "frugality in war-time" preached in the Calcutta Cathedral by Canon Boulton,

(b) whether his attention has been called to a statement made by Lord Stamp, which is reported by Reuter as follows

"It is not much good doing without here, in order to spare workers, if those workers are simply engaged in manufacturing for exports to the rest of the Empire goods which Empire countries could equally do without. Moreover, any effort that we make to avert the demand for dollars is doubly valuable. If our brethern in the rest of the Empire are doing the same thing and making the same effort. One can almost hope that we shall soon arrive at a stage when citizens in all parts of the Empire will actually vie with each other, not only in productive increase but also in self-denying ordinances", and

(c) whether he will give some guidance as to the necessity or otherwise of regulating private and public purchases of imported goods from the point of view of assisting the Empire war effort and conserving shipping and other resources for essential war needs?

The Honourable Sir Jeremy Ralsman: (a) and (b) Yes

†This question was withdrawn by the questioner

(c) The matter is engaging the attention of Government at present and the question of issuing a statement is under consideration

EXEMPTION OF LOW-SALARIED EMPLOYEES FROM ARREST AND ATTACHMENT OF THEIR PAY IN EXECUTION OF CIVIL DECREES.

†120. *Maulvi Muhammad Abdul Ghani: (a) Will the Honourable the Home Member please state whether it is a fact that employees drawing emoluments less than Rs 100 per month are not liable to arrest or attachment of their pay and property in execution of a civil court decree? If so, under what section of the statute?

(b) Is it a fact that the said protection is given on the recommendations of the Royal Commission on Labour in India?

The Honourable Sir Reginald Maxwell: (a) Employees drawing emoluments of less than Rs 100 per month are not liable to have those emoluments attached in execution of a civil court decree. See clauses (h) and (i) of the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908. But they are as much liable to arrest and to attachment of other property as any other judgment-debtor.

(b) Yes

DETENTIONS, PROSECUTIONS, CONVICTIONS, ETC., UNDER THE DEFENCE OF INDIA ACT.

121. *Sardar Sant Singh: Will the Honourable the Home Member be pleased to lay on the table of the House showing the following information

- (a) the number of persons served with notice of detention in each Province under the Defence of India Act,
- (b) the number of persons ordered to be detained in each Province and actually in such detention, how many of such persons are Hindus, Muslims, Sikhs, Christians, Anglo-Indians and Europeans,
- (c) the number of persons prosecuted, the number convicted and the number at present undergoing sentence of imprisonment, and the maximum sentence passed in one trial,
- (d) the rules under which these persons were prosecuted and the number of convictions under each rule;
- (e) the number of convictions in the *Satyagraha* movement in each Province, and
- (f) the total amount of fine inflicted and the amount realised?

The Honourable Sir Reginald Maxwell: (a) to (e) I lay a statement on the table containing such information as is available. No information is available regarding the religious denominations of the persons detained.

(f) The Government of India have no information.

†Answer to this question laid on the table, the questioner being absent

(a) and (b) *Statement showing the number of persons detained under the orders of the Central Government and Provincial Governments under rule 26 of the Defence of India Rules*

By order of the Central Government	45
By order of Provincial Governments —	
Madras (till 31-1-41)	92
Bombay (")	178
Bengal (")	140
United Provinces (till 15-1-41)	103
Punjab (")	115
Bihar (")	29
C P and Berar (till 31-1-41)	2
Assam (")	0
N W F P (")	9
Sind	0
Orissa	0

(c) *Statement showing the number of persons prosecuted, the number convicted and the number undergoing imprisonment under the Defence of India Rules*

Province	Number prosecuted up to the 31st January, 1941	Number convicted up to the 31st January, 1941.	Number undergoing imprisonment on the 1st January, 1941
Madras	1,153	1,081	444
Bombay .	1,840	1,813	210
Bengal . . .	996	895	166
United Provinces	information not available	940 up to (15-1-41)	192
Punjab .	820	620 up to (15-1-41)	145
Bihar	information not available	336 up to (15-1-41)	220
C. P and Berar	314	303	138
Assam .	231	227	22
N. W F. P. . .	21	Figures not avail- able	5
Orissa .	224	Do	45
Sind .	92	62	14
Coorg .	6	6	5
Delhi . .	99	78	52 (on 15-1-41)
Ajmer-Merwara .	15	5	3
Baluchistan . .	10	Figures not avail- able.	3 (on 15-1-41.)

Maximum sentence passed (so far as information
is available) Imprisonment for 4 years

(d) Statement showing the number of convictions under each rule of the Defence of India Rules

Province.	Number of convictions under Defence of India Rules up to the 31st January 1941																							Total.		
	6	8	10	21	26	35	38	39	45	52	56	58	81	82	90	91	98	116	121	123	26	38	130	Total.		
																								38	121	52
Madras					6		947	65		59	1	1	1		1										1 081	
Bombay	1		1	8	3		479	2	1 308		10					1									1 818	
Bengal	26				63	19	160	57	14	46		67	1		5	4						2	6		895	
U P							724	26				120	46		11		1						13		940	
Punjab							382		1		204	17			10							6			620	
Bihar (up to 31 12 40)																									386	
O P					2		300	1																	303	
Assam					23		109	1		6	72						1								227	
N W F P																										
Orissa																										
Sind	10						22	1	1													1			62	
Coorg							6																		6	
Delhi					2		75										1								78	
Ajmer-Merwara							6																		6	
Bahawalpur																										

Figures of convictions under different rules not available

Figures not available

Figures not available

Figures not available

(e) Statement showing the number of convictions in each Province in the anti-war Satyagraha movement up to the 12th February, 1941

Province	No of convictions
Madras	721
Bombay	522
Bengal	43
United Provinces	957
Punjab	47
Bihar	149
Central Provinces and Berar	283
Assam	131
North-West Frontier Province	1
Orissa	274
Sind	0
Coorg	6
Delhi	67 (including Ahrars)
Ajmer-Merwara	5
Baluchistan	0

Sardar Sant Singh: What is the denomination of the various persons detained?

The Honourable Sir Reginald Maxwell: The Honourable Member had asked how many of the persons detained are Hindus, Muslims, Sikhs, Christians, Anglo-Indians and Europeans. I said that the Government have no information about the denominations of the persons detained.

Sardar Sant Singh: May I know what is the difficulty in obtaining the information?

The Honourable Sir Reginald Maxwell: The information is not recorded in that statistical form. To collect information in that form would necessitate an elaborate inquiry in the provinces.

Sardar Sant Singh: May I ask the Honourable Member if it is not a fact that such information can be gathered from the names of the persons convicted or detained?

The Honourable Sir Reginald Maxwell: No, Sir.

Sardar Sant Singh: What is the difficulty about it? Is not the Honourable Member prepared to disclose this information?

Dr. R. D. Dalal: In view of the fact that in question No. 121 (b), the Parsis are not mentioned, am I correct in my presumption that the Parsis are generally a most law-abiding community and most loyal to the British Raj in India?

The Honourable Sir Reginald Maxwell: I hope so.

Sardar Sant Singh: Is the Honourable Member not willing to give this information, or is the information not really available?

Mr. President (The Honourable Sir Abdur Rahim): That is what he said. He has said that it is not available.

Sardar Sant Singh: I have asked the Honourable Member whether Government are willing to give the information

Mr. President (The Honourable Sir Abdur Rahun) He has given the answer The Honourable Member cannot repeat that question

Sardar Sant Singh: Are Government going to make any attempt to get the information, any further attempt?

The Honourable Sir Reginald Maxwell: Any such attempt would entail an expenditure of time and labour incommensurate with the value of the information obtained

Sardar Sant Singh: Is the Honourable Member aware that there is a good deal of dissatisfaction on the working of the Defence of India Act, and this information is necessary for the general discussion of the General Budget?

The Honourable Sir Reginald Maxwell: That is a matter of opinion

SCOPE OF OPERATION OF THE DEFENCE OF INDIA ACT

122. ***Sardar Sant Singh.** (a) Will the Honourable the Home Member please state if the intention of Government has been to restrict the application of Defence of India Act to the acts which tend to prevent the successful prosecution of war?

(b) Do Government propose to take any steps to exclude religious processions from the operation of the Act?

The Honourable Sir Reginald Maxwell: (a) The intentions of the Central Legislature as to the manner of application of the Defence of India Act and Rules are expressly set out in the preamble to, and in section 2 of, the Act itself, and the Central Government have no desire, and indeed no power, to deviate therefrom

(b) The Government of India are generally prepared to rely upon the discretion of the authorities administering the Rules

Sardar Sant Singh: May I know if the Honourable Member is aware that, at the time of the passage of the Bill, the House was given to understand that this Act would only apply in cases which retarded or prevented the successful prosecution of the war?

The Honourable Sir Reginald Maxwell: The Honourable Member can refer himself to the debates

Sardar Sant Singh: If it is there, will the Honourable Member please state if it is a fact that the Defence of India Act is being used for purposes other than the declared policy of the Government on the floor of this House?

The Honourable Sir Reginald Maxwell: The Honourable Member is trying to raise a discussion on the administration of the Act, and not seeking information

Mr. Lalchand Navalrai: May I know from the Honourable Member if any religious processions have been stopped under the operation of the Defence of India Act?

The Honourable Sir Reginald Maxwell: Not so far as I am aware, but the matter would rest with the Provincial Governments

Sardar Sant Singh: May I know if the Honourable Member proposes to make an inquiry into the question whether any religious processions as such have been banned under the Defence of India Act?

The Honourable Sir Reginald Maxwell: I do not propose to make such inquiry, because, as I have said, it is a matter for the Provincial Administrations

Sardar Sant Singh: May I know if it is not a fact that it was given out in the last Session that the Government of India would keep a vigilant eye over the administration of the Act by the Provincial Governments

The Honourable Sir Reginald Maxwell: Yes, Sir The Government of India keep themselves generally in touch with the administration of the Act

Sardar Sant Singh: Has any case come to the notice of the Government of India in which religious processions have been banned under the Defence of India Act and the rules made thereunder?

The Honourable Sir Reginald Maxwell: I have already answered that question

Sardar Sant Singh: I shall bring to the Honourable Member's notice one such case At Sargodha, a procession was taken out on the occasion of Guru Govind Singh's birthday It is an annual recurring incident, and that was stopped by the District Magistrate of that place under the Defence of India Rules.

The Honourable Sir Reginald Maxwell: That is a matter for the Provincial Administration

Sardar Sant Singh: Will the Honourable Member make an inquiry to find out if the Defence of India Act is used for the purpose of banning religious processions? That is my point Why is the Honourable Member evading an answer to that question?

The Honourable Sir Reginald Maxwell: No, because any person aggrieved by any order of the Provincial Government can raise the question in the Provincial Assembly

Mr. Lalchand Navalrai: Is it the intention of the Defence of India Act to prohibit religious processions also?

The Honourable Sir Reginald Maxwell: No, Sir There is no such intention

Sardar Sant Singh: May I ask for your protection, Sir. The Honourable Member is evading the question under the guise that the question should be raised in the Provincial Council, while the Act has been passed by the Central Legislature.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member has given the answer to the best of his ability, and it is a matter of opinion whether he has not answered the question put, to the satisfaction of the questioner.

Mr. Lalchand Navalrai: May I know if the rules under the Defence of India Act are being framed by the Government of India?

The Honourable Sir Reginald Maxwell: Yes, Sir.

Mr. Lalchand Navalrai: Is there any prohibition there as regards religious processions?

The Honourable Sir Reginald Maxwell: None. The Defence of India Act does not prohibit religious processions.

Sardar Sant Singh: Has any Provincial Government consulted the Government of India about banning religious processions under the Defence of India Act?

The Honourable Sir Reginald Maxwell: Not so far as I am aware.

HIGHER INITIAL SALARY FOR ANGLO-INDIANS ON RAILWAYS.

123. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Home Member please state whether it is a fact that the Railway Board has made a rule in accordance with which all Anglo-Indians are recruited on an initial salary of Rs. 55 per mensem, while Indians are employed on the same job on Rs. 25 or 30? If so, what are the reasons for such a discrimination, and are Government prepared to remove the racial discrimination altogether?

(b) In case a higher start is given to Anglo-Indians on account of their high standard of living, are Government prepared to give a higher start to the Mussalmans in proportion to their high standard of living?

The Honourable Sir Reginald Maxwell: (a) A minimum rate of Rs. 55 per mensem is applicable to Anglo-Indians recruited to the railway services. This rate is fixed in pursuance of the provisions of section 242(2) of the Government of India Act, 1935. The reasons for Government's policy are stated in detail in paragraph 4 of the Home Department Resolution No. 14/5/38-Establishments (Special), dated the 1st May, 1939, which was published in the *Gazette of India*, dated the 6th May, 1939.

(b) The provisions of section 242(2) lay no such obligation upon Government.

Mr. Lalchand Navarai: May I know from the Honourable Member if the Government of India Act provides that preference will be given and more concessions given to Anglo-Indians?

The Honourable Sir Reginald Maxwell: Will the Honourable Member repeat the question?

Mr. Lalchand Navarai: With regard to the section of the Government of India Act which the Honourable Member has referred to, under which we should be giving certain concessions to Anglo-Indians, does that provision provide specifically for larger salaries being given to Anglo-Indians?

The Honourable Sir Reginald Maxwell: No Sir—the Honourable Member could satisfy himself by looking at the section quoted.

Dr. Sir Ziauddin Ahmad: May I know whether this rule affects the railway services only, or all the services under the Central Government?

The Honourable Sir Reginald Maxwell: The services with which the Anglo-Indian community had past association, those are, principally, the Railways, Posts and Telegraphs, and Customs.

Mr. Lalchand Navarai: May I know if other Indians also have not been associated with these Departments before?

The Honourable Sir Reginald Maxwell: That is not relevant to the section 242(2) of the Government of India Act to which I have referred.

UNSTARRED QUESTIONS AND ANSWERS

CALCUTTA PREVENTIVE OFFICERS MUTUAL HELP ASSOCIATION

12. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable the Finance Member be pleased to state whether the Calcutta Customs Preventive Officers Mutual Help Association is still in existence?

(b) Is it a fact that the Collector and the Superintendent were the President and Vice-President, respectively?

(c) Who was the Honorary Secretary and Treasurer?

(d) Is it a fact that in 1934 the amount standing to the credit of this Fund was about Rs. 28,000?

(e) What is the amount now on hand and how was the difference spent?

(f) Is the money in the Bank in the name of the Association, or in that of an individual? If the latter, why?

(g) What action do Government propose to take regarding the money lying on hand?

The Honourable Sir Jeremy Raisman: (a) No. The Association went into voluntary liquidation in 1937.

(b) Under the rules of the Association the Superintendent, and the Assistant Superintendent of the Preventive Service were *ex-officio* President and Vice-President of the Association

(c) Mr E J Leicester of the Preventive Department

(d) The sum standing to the credit of the Association was Rs 30,635-5-4

(e) and (f) The present balance is nil The general body of the members of the Association decided in 1937 to put the Association into voluntary liquidation and the Registrar, Joint Stock Companies, was so informed As a result of this decision payment was made in full to the death beneficiaries leaving a balance of Rs 2,558-14-6 Of this amount about Rs 2,000 was held in the name of the Collector of Customs, and the remainder in the name of two members of the Association

(g) With the consent of the majority of members the balance left was contributed to the East India War Fund on 19th June, 1940

CALCUTTA CUSTOMS PREVENTIVE OFFICERS ASSOCIATION

13. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable the Finance Member be pleased to state whether the Calcutta Customs Preventive Officers Association is still in existence?

(b) What is the amount lying to the credit of this Association?

(c) Is the money in the Bank in the name of the Association or in that of an individual? If the latter, why?

(d) Who is the Honorary Secretary and Treasurer of the Association?

(e) What action do Government propose to take regarding the money lying on hand?

The Honourable Sir Jeremy Raisman: (a) No There was no such Association

(b) to (e) Do not arise

CONTRIBUTIONS TOWARDS WAR FUND AND WAR LOAN.

14. Dr. Sir Ziauddin Ahmad: Will the Honourable the Finance Member be pleased to lay a statement on the table showing the contributions made by each Province and by principal Indian States to (i) War Fund, (ii) War Loan without interest and (iii) War Loan with interest?

The Honourable Sir Jeremy Raisman: As my Honourable friend is aware there is no single War Fund, and the accounts of the Viceroy's War Purposes Fund are kept on a purpose as distinct from an area basis, and it would not now be possible to undertake a reclassification of all past subscriptions on an area basis I regret that information regarding the various Provincial and State Funds is not readily available

A statement showing by Provinces the subscriptions to the Defence Loans to the end of December, 1940, is laid on the table Figures of subscriptions by individual States are not readily available but the total for Indian States and Central Treasuries is included in the statement

Statement of subscription to Defence Loans (in lakhs) to the end of December, 1940

	3 per cent Defence Bonds	Interest free Bonds
Bengal	16.26	34
Bihar	23	1
Orissa	2	
Assam	2	
United Provinces	82	6
Punjab	2.24	7
North-West Frontier Province	8	
Bombay	12.11	55
Central Provinces	10	1
Sind	32	2
Madras	1.44	8
Indian States and Central Treasuries	66	1.13

NOTE.—The figures refer to the place of actual subscription and not to the place of residence of the subscriber

MOTION FOR ADJOURNMENT

ALLEGED REPRESSION AND INTERFERENCE WITH THE ELECTION OF A CONGRESS CANDIDATE FOR THE CENTRAL LEGISLATIVE ASSEMBLY

Mr. President (The Honourable Sir Abdur Rahim) I have received notice of a motion for adjournment from Qazi Muhammad Ahmad Kazmi, who wishes to move for adjournment of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government of India in stopping repression and interference with the election of the Congress candidates to this House caused by the arrest of Mr. Khedan Lal, Congress candidate in the bye-election from the Benares-Gorakhpur non-Muslim constituency, Central Assembly, under the Defence of India Rules, which is alleged to have been made for a speech delivered by him on January 21st at a meeting convened in connection with the Hindu-Muslim Unity Day.

I suppose the arrest is made on the authority of the Local Government or any other authority authorised by the Rules, and that the candidate will be tried in due course? Does the Honourable Member know under which rule

Qazi Muhammad Ahmad Kazmi (Meerut Division Muhammadan Rural) A report has appeared in the *Hindustan Times* of today to the effect that "the arrest is said to have been made for a speech delivered by him on January 21, at a meeting convened in connection with Hindu-Muslim Unity Day on the Town Hall"

Mr. President (The Honourable Sir Abdur Rahim) It is not an order of detention?

Qazi Muhammad Ahmad Kazmi: So far as I can see, it is not an order of detention

Mr. President (The Honourable Sir Abdur Rahim) I suppose he will be tried in due course?

The Honourable Sir Reginald Maxwell (Home Member) I have no information on the subject. But it appears that the action has been taken by the Provincial Government under its own powers, and, from what the Honourable Member says, it is a case of prosecution for some prejudicial act.

Sardar Sant Singh (West Punjab Sikh) May I know whether, if such acts take place in Provinces where the Constitution has been suspended under section 93 of the Government of India Act, it is not open to this House to discuss that matter, because there are no Provincial Assemblies functioning in such provinces?

Mr. President (The Honourable Sir Abdur Rahim) This Assembly is not a tribunal for trying these cases, it is the magistrates and the judges who have got to try such cases, and it has been repeatedly laid down in this House, and in the Parliament that with regard to any act done by any authority in the due course of the administration of the law—whatever the law is—the matter cannot be discussed on an adjournment motion. Therefore, the motion is disallowed.

Qazi Muhammad Ahmad Kazmi: May I be permitted to point out

Mr. President (The Honourable Sir Abdur Rahim) I have disallowed the motion.

THE RAILWAY BUDGET—GENERAL DISCUSSION

Mr. President (The Honourable Sir Abdur Rahim) The next item is the general discussion on the Railway Budget, and I have got, under the rules, to fix the time-limit for each speech. What happened last time when the Congress Members did not attend this Session was that I fixed 20 minutes for every speaker and 45 minutes for the Honourable the Railway Member's reply. I suppose that would also do for this occasion? Syed Gulam Bhik Nairang

Syed Ghulam Bhik Nairang (East Punjab Muhammadan) Mr President, the general discussion of the Railway Budget is *inter alia* intended to bring under review the general policy adopted by the Government of India,—which in this case practically means the Railway Member—during the past year. Whatever may have been the merits of that policy till 1938, the Muslim League Party feels that it has operated to the prejudice of the Muslim community since the assumption of this portfolio by the present Railway Member. The grievances of the Muslim community have been consistently ventilated in this House in various forms, and I do not think this is the time to give an exhaustive list. Suffice it to say that whether we take into consideration the position of Muslims in the Railway Board or in the various State Railways we are faced with the old tale of Muslim interests being neglected, and of little or no effort being made to improve their position in the various railway services. The

present Railway Member was fully acquainted with the nature of these grievances in the course of the discussion on the Railway Budget and cut motions last year. It is hardly necessary to point out that the object of these cut motions was to invite the attention of the Railway Member to Muslim grievances with a view to persuading him to adopt a just and fair policy towards the Muslim community, not only in the matter of appointments and promotions, but in all those respects which in their entirety constitute what is known as the Railway Department's policy and general attitude. A whole year has passed by since, and it is really sad to find that we have not been able to detect any sign in the Honourable Member's policy which will send a ray of hope into our hearts. As I have pointed out, this is not the time to go into details. To illustrate my point further, I would make a reference, on behalf of my Party, to just one or two important matters. The latest Administration Report on Railways reveals that, out of eleven appointments made to the superior services, none went to Muslims, and in the case of the lower gazetted service on the State-managed Railways, out of the 29 posts filled during the year under review, to one only was a Muslim appointed. I should like to make a brief reference now to the inquiry into Muslim grievances by an officer appointed in April, 1939. Muslim wishes were not taken into consideration either in choosing the person who was entrusted with the inquiry or in framing the terms of reference. The only note that was taken of our protests was the association of a Muslim officer with this inquiry, not in any responsible position, but more or less in a ministerial capacity. One knows, Sir, what to expect of an inquiry conducted in these circumstances. What, however, makes the position much worse is the speech made by the Railway Member at the Indian Railway Conference Association in October last which came up on an adjournment motion introduced into this House by Dr Sir Ziauddin Ahmad in the first week of November, 1940. The Railway Member of course, attempted to explain away his utterance,—and there are few things which are not capable of being explained or explained away. Let me quote Sir Andrew Clow's own words dealing with Mr DeSouza's Report. He said

"I am quite clear in my mind, and I feel sure that this Conference will agree with me, that we must not allow promotions to depend on communal considerations."

I leave it to all just and impartial persons to judge whether a definite expression of opinion of this nature by the Railway Member—who in matters of this kind constitutes the Government of India—will not seriously prejudice the consideration of the issue by the various Railways. The Muslim community feels that great harm to its cause has already been done by this utterance. Towards the close of the last Delhi Session, some of us told Sir Andrew Clow in a formal manner as to what the Muslim community thought of their policy. Our intention then was to send him a detailed list of grievances. On reconsidering the point, we came to the conclusion that we should not be justified in furnishing the Railway Member with such a list as it might result in action being taken against innocent persons by the Railway Administration. We do not wholly base our case on instances of individual injustice to Muslims. It is the Railway Member's outlook and mentality, as evidenced by his policy, to which we take strong objection. We are convinced that the Members of the Muslim League Party would not be serving any useful purpose by taking part, either in the general discussion, or in the discussion on demands for grants. Our best endeavours to persuade the Member

[Syed Ghulam Bhik Nairang]

for Communications to look at things in the light of justice and reason have not only borne no fruit, but have unfortunately led him to adopt an attitude which, unless greatly altered, would do still more harm to our community. Our Party has, therefore, unanimously decided that the only constitutional protest it can make is to withdraw from this House while the Railway Budget is under discussion.

[The members of the Muslim League Party then withdrew from the Chamber.]

Sardar Sant Singh (West Punjab Sikh) Sir, after the statement that has been made publicly on the floor of the House by the Deputy Leader of the Muslim League Party, it becomes rather hard to freely discuss the Railway Budget. It is no doubt for the Government, particularly for the Railway Department, to take note of the reactions that are likely to follow by this action of the second largest party in the House—on such an important occasion when the general discussion on the Railway Budget is to be taken up. My first reaction was that the Sikh community having far greater grievances against the Railway Department in the matter of services I might follow the Muslim Leaguers. But being aware of the fact that I am the only one Sikh member in this House, I do not think any useful purpose would be served by my walking out and not putting the case before the House in the hope that even now the light may dawn upon the Honourable the Railway Member, so that he may do justice by the Sikh community.

The point that I want to make out today on the question of services is that the Government of India committed the greatest political blunder when they issued their notorious Circular of July 1934. They are now suffering from the nemesis, which, as is said, grinds slowly but surely. The Government of India are now suffering from the vengeance of the nemesis. When Government started to utilise a commercial department, not for the purpose of running it efficiently, but in order to create division amongst the different classes in India by extending their patronage to communities in the proportion of their political importance in the country, Government invited this day upon themselves and must thank themselves for the same.

However, I am now coming to the Railway Budget. The present Railway Budget, as it has been presented to this House, is very disappointing in several senses. Last year we were told that the fares were increased and the freights were raised so that the railway revenues may not diminish. Contrary to such expectations a record surplus has come in. The railways have earned something which they never earned before since 1924 or 1925, we are disappointed to see that those fares which were increased last year and also the increased freights have not been reduced at all. On the contrary, the Honourable Member, in a covert manner, threatens us with further increases if the railways are forced to grant certain concessions to the carrying of fodder and other grains. The Honourable the Railway Member forgets that he has already inflicted a tremendous injury on the cultivators and the producers of the primary products by raising the freights. Today the money that goes into the pocket of the cotton producer is reduced considerably when we find that the rate of cotton has fallen during the last year. The fall of the rate

of cotton means that the actual net price that goes into the pocket of the producer has been reduced considerably. Again, Sir, the continuation of the higher freights will tell adversely on the peasants of this country. I, therefore, ask the Honourable member to consider not merely from the railway point of view alone but also from the point of view of those persons who are suffering on account of the higher prices they have to pay for other necessities of life and the lower prices that they are receiving for their products and then tell us what relief the railways are going to offer to the rural population.

Sir, the next point that I want to take up is that the Honourable Member in his budget speech has not given any indication of the economies he proposes to introduce in the working of the railways next year. The arguments that we have been destined to hear in this House on various occasions have always led to one thing. When they were running the railways at a deficit, we were told that the freights and the fares must be increased because the railways need more revenue. When the railway earnings show surplus, we are told that no reduction in fares and freights should be expected because bad times may be ahead of them. This sort of argument will not satisfy anybody. If bad times are ahead and the fares cannot be reduced, then in the deficit years too it can be said that good times may be ahead and, therefore, the fares should not be raised. But there was no argument of that type. We expect that with this tremendous record of surplus in the railway profits, the third class passengers in particular and other passengers in general whose fares have been raised during the last seven or eight years should be given some relief.

Again, Sir, there is the question of supply of railway materials. It was after a great agitation in this House and outside that the Railways were persuaded to commit themselves that they will manufacture locomotives locally in India. We expected that the manufacture of locomotives in India will be carried on vigorously, but the incoming of the war has made the railway surrender some of their best workshops for the manufacture of munitions. I have no grudge against the manufacture of munitions for the purpose of the war. At the same time we cannot forget that when locomotives are difficult to be had from other countries, when wagons cannot be had from Germany or United States of America or even from England, then the duty of the railway lay in further efforts to find out ways and means to carry on the manufacture of these necessities of Railway Administration for the purpose and there should be no shortage of these things if the war is prolonged as it is expected to be prolonged for so many years. But there is no such policy laid down in the Honourable the Railway Member's speech. We are not told what the railway is doing for the purpose of encouraging the manufacture of their own rolling stock in India itself.

Then, one point to which attention has been invited at question time has been the increased pay that has been granted to Anglo-Indians in railway services. In 1936, the Honourable Sir Muhammad Zafrullah Khan who was then the Railway Member gave us to understand in very definite language that no racial discrimination in salaries and emoluments will be permitted in railway services. But in 1939, the policy has been reversed without consulting this House and even without consulting the Railway Standing Finance Committee on this matter. The plea has been taken that this was done under the provisions of the Government

[Sardar Sant Singh]

of India Act and that it was done under the orders of the neighbour of the Honourable Sir Andrew Clow, namely, the Honourable Sir Reginald Maxwell. We are not concerned as to who did it or who did not do it. We are concerned only with one fact. Is the railway a commercial concern, run on commercial principles or not? If it is a commercial concern, then political considerations should not be allowed to enter in the adoption of any policy which is prejudicial to the railway finance. If it is not a commercial concern, then it should be open to other communities to get favourable treatment in the way in which it is given to Anglo-Indians. The railway has always taken this stand that it is a commercial concern and that it shall be run as a commercial concern on commercial lines. But may I ask him why did he permit himself to be put into such a position where the Home Department forced him to accept the position of favourable treatment being given to a particular community in India. If racial discrimination is to be carried on in commercial concerns, I do not know where the thing will end. The position has again and again been challenged on the floor of the House that the railways should be run strictly in accordance with commercial code of business and not on any other code. But here again the plea, the shelter which the Railway department has taken behind the provisions of the Government of India Act and behind the orders emanating from the Home Department is not convincing and cannot be convincing either to the public or to the Members of the Opposition on the floor of the House.

Then, there is another point which I want to take in connection with the general discussion on the Railway Budget and that is the anomalies that you find in the matter of promotion and recruitment to the railway services. In reply to my speech which I gave on the last occasion when I referred to the hardships of the guards on the North Western Railway, the Honourable Member gave me to understand that there seemed to be some justification for the grievances of the guards and on that occasion he promised to look into the matter. I am grateful to him for that. Now one year has passed, he has given some consideration to the conditions of the railway guards. There is no doubt about it. But somehow or other things are worked out in such a manner that where we expected some fair consideration of the conditions of the particular class of servants, it turns out to be something different from what they desired. Last time I gave him facts and figures to show that the North Western Railway guards had their promotion stopped when they reached probably Rs 60 or Rs 68—I do not remember exactly—and a reference was made to the North Western Railway to look into the matter favourably. It was done, but with what result? The result was that very few persons were promoted and those who were promoted were not promoted on their merits at all. They were promoted because they happened to be the favourites of a particular officer or other. Will the Honourable Member please make enquiries into the fact that seniority was not considered at all. I anticipate that the Honourable Member will say that in a selection post, seniority is not the mere criterion to judge whether he should be selected for the promotion or not. I quite agree. There it is a sound principle, but when selection becomes a cloak for favouritism, it becomes a cloak for corruption, for dishonesty in promotion. I am entitled to protest on the floor of the House that this sort of selection should not be allowed to

remain in vogue. If he were to send for a list of the various persons according to seniority, he will find that the claims of the senior-most man have been entirely ignored in all cases in which there was not an iota of complaint against the performance of his duty. What principle guides the Selection Board? What considerations are brought to bear in selecting certain persons to the highest grade? That is a thing which is left to the discretion of the Selection Board. They are not guided or controlled by any rules and regulations with the result that favouritism, nepotism and even actual bribery is the order of the day on the North Western Railway. I will read from the telegram which I personally received this morning from the guards bitterly complaining against the treatment meted out to them. And such complaints I have received from all headquarters on the North Western Railway. There is not a single station from which this sort of complaint has not been sent to me. It says

"North Western Railway Guards' Association (Central Working Committee Resolved Strongly urges fulfilling pledge your 522 E 199, dated 12th August 1935 re-instituting present strength of 204 guards grade Third, Fourth to 638 as 1935 avoiding heartbreaking discontent amongst 626 guards blocked retiring Runes 68 Emphasise promotions pooled seniority instead selection direct recruitment involving nepotism favouritism."

This telegram speaks for itself. There is an open charge made by the employees against the Department of nepotism and favouritism in the selection of guards of higher grade. Will the Honourable Member care to look into it? Will he send for the seniority list of the various guards and find out if seniority has been taken into consideration at all? Will he try to find out whether there was any complaint against these guards who have not been selected? If their working has been normal, if they have been giving satisfaction to their superior officers in the discharge of their duties, why have they been superseded and overlooked? The Honourable Member has said on one or two occasions that in making selections communal considerations have not been taken into account. Will he please look into the selections made during last year from the cadre of guards whether communal considerations have or have not weighed with the Selection Board? If they have so weighed why should he stick to the ground that there were no communal considerations in making promotions and selections?

The Honourable Sir Andrew Clow (Member for Railways and Communications) In favour of what community?

Sardar Sant Singh: The Honourable Member may look into the list and form his own opinion.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

Sardar Sant Singh: I will conclude by saying that the system of giving no indulgences to the public when there is a surplus should not be continued, and some relief should be granted to the taxpayers when there is a surplus.

Mr. M. S. Aney (Berar Non-Muhammadian) Sir, may I make a request? The time limit is generally fixed by you with the consent of

[Mr M S Aney]

the Parties for the convenience of the debate. Now that the two biggest Parties are absent, I do not think a little latitude to the Members speaking will create any inconvenience as regards time. I put the suggestion for your consideration.

Mr. President (The Honourable Sir Abdur Rahim) If the House so desires, the Chair will extend the time to half an hour.

Mr. L. O. Buss (Nominated Non-Official) Sir, at the outset of my brief remarks I should like just to express my regret at what we have heard from the Deputy Leader of the Muslim League Party that he and his colleagues have decided to take no part in this debate, and I am sure that regret is shared by all of us in this House.

The Railway Budget introduced by the Honourable the Railway Member on Wednesday the 19th February is the second Railway Budget since the present War began. If there is to be any reality in our discussions, it is obvious that the War is the background against which all our comments and criticisms of this Budget must be set. Clearly, the War must have a bearing on so many aspects of Railway operation, both financial and otherwise, that it would, I believe, be folly merely to reiterate on this occasion time-honoured themes, however applicable these may be to normal times.

The Honourable the Finance Member in presenting the General Budget for 1940-41 looked for a substantial contribution from the Railways to the General Budget. He has not been disappointed. Indeed he has been fortunate in obtaining even more revenue from this source than he had hoped for, and not only Government but the whole country will be glad that this is so. For the financial year that is just ending as well as for the financial year 1941-42, the large contribution from the Railways—being as it is to some extent in the nature of indirect taxation—affords the Honourable the Finance Member the revenue which he sorely needs, and which, had he not obtained it from this source, must have been obtained by some further increase in other directions. Even in normal times our Central revenues are dependent upon a substantial contribution from the Railways—in time of War it becomes even more important than ever that Railways should pay the fullest possible contribution to the national effort.

The Honourable the Railway Member has told us that apart altogether from their financial contribution, the Railways and their staff are playing a part in the War effort in other ways. For example, we have heard of the conversion of certain Railway workshops to the production of munitions. Whether this contribution is as high as is possible in the circumstances may be open to doubt. But I am sure that the Honourable the Railway Member is fully alive to this aspect of the case. We hope that as the War goes on the efforts now being made to employ Railway workshops, etc., on munition production will steadily increase. No one who has regard to the maintenance of efficient working on the Railways can fail to appreciate the strain that must inevitably be imposed, if, in addition to the maintenance of the rolling stock, etc., accentuated by the heavy increase in traffic, material contribution is also made to specific war production. But, Sir, the needs of the present are

paramount and we believe it to be essential that nothing should be left undone to utilize to the utmost any surplus capacity of these great workshops.

For the first time for many years, the Railways have been able to make their full contribution to Central revenues under the terms of the Convention. In addition to that, it is proposed that half of the balance that would normally have gone to Railway Reserve Funds shall be diverted to Central revenues. The financial position of Government being what it is, there is no doubt in our mind as to the wisdom of this course and this brings me to the question of the moratorium under which the Railways are now working. This moratorium is due to lapse on the 31st March, 1942 and it seems more than likely that, before that time has elapsed, this House will have to agree to yet another extension of this moratorium. In this connection, I would refer to what my predecessor said in connection with the necessity of building up reserves in times of prosperity to meet essential capital expenditure that will certainly arise in the immediate post-war period. Fortunately, both the Depreciation Fund and the General Reserve will receive additional funds this year, and I hope also during 1941-42. Nevertheless, the combined figure of the Depreciation Fund and the General Reserve still falls short of the ideal which Government has set themselves as their minimum objective.

As the Honourable the Railway Member pointed out, a series of two or three bad years will cause serious inroads to be made upon this reserve. In these circumstances he has rightly stressed the need for a conservative policy. We strongly support this view. If the experience of the last great European War and its after-effects is any guide, serious falling-off of revenue is likely in the immediate post-war period. There remains, therefore, need for careful planning now in regard to the future.

Perhaps one of the most outstanding features of this Budget is the reference that has been made to the purchase, during this financial year and during the coming financial year, of three Company-owned systems, the Bengal Doars, the Assam Bengal and the Bombay, Baroda and Central India Railways. This decision is in line with Government's general policy and in line also with a policy that has already been approved by this House. It is also fully justified having regard to the large sterling balances available that have made these purchases possible.

Again, in coming to a decision to dismantle nine out of 18 lines that have proved unremunerative, Government have made a courageous decision and one that can be fully justified not merely on the ground of sound finance but as a definite contribution to India's war effort.

We particularly welcome the Honourable the Railway Member's remarks in paragraphs 11 and 12 of his speech where he compared the running of Railways to the running of commercial undertakings. An efficiently run Railway system is obviously of paramount importance to the industrial development of any country. This must be especially the case in India where a well developed system of roads is still only in the making.

Reference has been made to the inclusion in the Budget of provision for a dearness allowance to Railwaymen whose salary is in the neighbourhood of Rs 30 a month. Government have indicated that this matter is still under consideration and until we have more specific information I prefer at this stage to refrain from comment.

[Mr L C Buss]

Before I conclude there is one small though important item of detail to which I should like to refer—I mean the decision to appoint an Inspectorate cadre. This is a point that was mentioned by the Chief Commissioner of Railways in another place. It is in accordance with the motion already adopted by the Legislature and it is a decision which will certainly be widely welcomed.

Sir Abdul Halim Ghuznavi (*Dacca cum Mymensingh Muhammadan Rural*) Mr President, I should begin with my regret at the manner in which the Opposition Party,—the Muslim League Party,—walked out. I think they have done a distinct dis-service to their community in not staying here and discussing this important Railway Budget, and I am sure the Muslim community will take a note of the action of the Muslim League Party in this House.

I congratulate my Honourable friend, the Communications Member, on his remarkable luck. That remarkable luck has made him present to us a remarkable balance sheet. But he frankly stated that it was not due to normal trading but that the increase in revenue was accounted for by the enormous traffic due to the war. I may add that it is due also much more to the enormous rates and fares that he imposed on us last year. He wanted 5½ crores and he has got 14½ crores, and not a word did he say about reducing the fares and freights. He is aware that the export trade has come to a standstill.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) How can reduction help the export trade then?

Sir Abdul Halim Ghuznavi It will help in this way that produce of one province can be exported to another province where it is not grown. He has not said a word about it. He has got much more than he wanted and I submit this should not have been his attitude. He has got more and that should surely have weighed on him to give at least some relief. I shall give one instance—to indicate the sort of relief that the Honourable the Communications Member offers in his budget. Look at what he says: "This allows for no important changes in freights or fares." Very well. We should expect no reduction. "But we intend to reduce the surcharge on coal by five per cent for the months from April to October." He is not reducing it for the whole year—he is only reducing that five per cent for the months from April to October, when I do not carry coal and I do not want to carry coal because at that period I have not got money enough to store the coal in my factories. He knows it and yet he gives me the advantage of this five per cent surcharge. I have received a telegram from Calcutta forwarding me a copy of a telegram sent jointly by the Indian Mining Association, Indian Mining Federation and Indian Colliery Owners Association to the Railway Board.

"Reference discussion on surcharge railway freights at joint meeting on the 27th January, understand it is the intention of the Railway Board again levy additional five per cent surcharge November, 1941 to March, 1942."

It is clear from his speech, where he has specifically said that the 12 Noon concession is meant for the period from April to October only.

"In view of the satisfactory position of the railway finances as disclosed by the Railway Budget, the three Associations consider there is no justification for additional

surcharge again to be imposed from November 1941. The three Associations consider flagrant injustice that coal should be singled out for 15 and 20 per cent surcharge against 12½ per cent only throughout the year on general merchandise. Indian Mining Association, Indian Mining Federation and Indian Colliery Owners' Association hereby jointly protest most strongly against introduction of a 'November next'.

Now, Sir, these three Indian Associations have jointly appealed to the Honourable the Communications Member not to again impose the five per cent, surcharge from November, 1941 to March, 1942. And, surely, this is a very small concession that the trade expects of him to grant.

Now, Sir, what was the experience that we gained in the last war of 1914? During that period of war also we had remarkable balance sheets, but how did we spend those huge balances instead of keeping them in reserves for the rainy day? One of the instances in which those remarkable balances of those days were spent was the construction of the Cawnpore Railway Station. It was criminal expenditure, if I may say so on that one station alone. I hope, Sir, the Standing Finance Committee will be particularly careful to see that these remarkable balances which the Government will now be having are not spent in the manner in which they were spent during the last war.

Now, Sir, my Honourable friend made a statement in his speech. He regretted that the locomotives manufacture owing to various difficulties had to be suspended for the time being. Sir, I am reading from the proceedings of the Standing Finance Committee for Railways,—4th and 5th July, 1935. This is what is stated here:

"Several members of the Committee expressed keen anxiety to have a locomotive manufacturing shop started in India as early as possible."

My friend, Sir P. Raghavendra Rao, was the chairman then, and he explained that:

"The inquiry undertaken by the Railway Board regarding the probable financial results of the institution of a railway boiler manufacturing shop was neatly complete and that it showed that it was probable that, given a demand of not less than 120 boilers a year, the cost of manufacture would not be prohibitive, though it was likely to be in excess of the present cost of importation from the continent."

Further on, he said:

"The investigation was expected to be completed shortly, and it was their intention to place a full memorandum containing all relevant data before the Committee for their advice before Government took a decision."

That was, Sir, in 1935. The Report was made in 1936. May I know what the Government have been doing all these years in this matter? Look at the position today. Look at the result of Government's inaction. They are not able to get their engines made here. Today they are stranded completely. You say you cannot do it. You have only ordered 25 boilers to be made at the Bombay, Baroda and Central India workshops at Ajmer. Now, what will you do next year if even the Ajmer workshop is not able to give you more? The Congress Members, Nationalist Members and the Muslim Members have been advocating year in and year out on the floor of this House and pressing on the Government the importance of undertaking the manufacture of boilers in this country. What have the Government done so far? And, Sir, do I not know what your predecessor's answer was in regard to this matter? He said it was impossible financially, it was a reckless task, and he brought forward all sorts of opposition whenever a proposal was made here for the manufacture of railway engines in this country since 1927. And then, since this

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Report was out, instead of taking prompt action on it, you did nothing, you kept quiet, and the result is, you find it is really impossible to undertake the manufacture of railway engines under the existing conditions

Then, Sir, I was surprised to hear what my friend said about acquiring these Railways,—I mean the Bombay, Baroda and Central India and the Assam Bengal Railways. My friend said

"I should like to make it clear, in view of possible misapprehension, that the Government of India have never accepted the view that every contract for the working of a Company owned railway should be terminated whenever opportunity offers, irrespective of the merits of the case. Indeed, in the case of one of these railways, the previous option which arose in 1931, was not exercised, and all cases must be considered in the light of the advantages and disadvantages as they present themselves at the time"

Now, may I read what my friend's predecessor, Sir Charles Innes, said

The Honourable Sir Andrew Clow Don't read it from the Political Information Bureau—you may be wrong'

Sir Abdul Halim Ghuznavi Please correct me if I am wrong

"Mr C. A. (later Sir Charles) Innes, the then Commerce and Railway Member, stated in 1923, that logically it was difficult to defend the existing system of company management of railways in India. Sir Charles had announced that the Government accepted the unanimous recommendations of the Acworth Committee that the Government should transfer the domicile of the railway companies to India as the existing contracts came to an end and that direct management would enable the Government to carry out a really useful measure of grouping different railway lines"

Therefore, it is no use saying that the Government have not made up their mind. The Honourable Member said "Indeed in the case of one of these railways the previous option which arose in 1931, was not exercised". That was because there was no money then, in 1931 there was world wide depression. That is the reason and not because as he says, "we have not made up our mind. We keep an open mind. If we find that it is beneficial we shall buy. If not we shall not buy. But this House has repeatedly said that the Government must buy as soon as the existing contracts come to an end

Mr M S Aney (Belat Non-Muhammadan) Di Sir Ziauddin Ahmad is not here, otherwise you can ask him

Sir Abdul Halim Ghuznavi: He might have spoken much better on the subject than myself because he has studied the subject. Referring to the dismantling of the railway lines, my Honourable friend said

"We have so far closed or ordered the closing of only 9 lines out of 18 which the House will find detailed in the memorandum placed before the Central Advisory Council last December. Of the 9 lines selected for dismantling 6 were opened in the period 1927—32 and of the other 9 on the list, seven were opened in that period. We regard all the lines notified as unremunerative."

From the Summary of Proceedings of the Meetings of the Central Advisory Council for Railways, you will find that there are 18 in the list of which my Honourable friend has said that they have dismantled nine. He has issued notice regarding the nine others but if circumstances permit, he may not remove them, but if they do not permit, he would remove them. We have not examined whether they are unremunerative. We

have taken the statement of the Government as correct, but we have also explained at that meeting that we did not object because we felt that we should not do so as it was for war purposes, but we said that if they wanted to dismantle any of the other nine, they should remove only such lines where other mechanical transport arrangements were available. One of these railways I understand has not parallel mechanical transport arrangements and that is Kalukhali-Bhatiapara, Eastern Bengal Railway in Bengal. I understand there is no other service. There was only a boat service, but now they cannot go by river even on that portion.

An Honourable Member. No roads

Sir Abdul Halim Ghuznavi. No roads also. I hope that the Honourable the Communications Member will bear this point in mind when he decides as to which of the other nine lines he should dismantle.

As regards ticketless travel, the Bill which has just been passed by this House, I have no doubt, will shortly become law, and I have always supported it. But at the same time I have tried to impress on the Honourable the Communications Member that the best thing to do is to prevent passengers from getting on to the platform without tickets. You must take all preventive measures before you enforce this ticketless travel measure and punish people with sentences of imprisonment. What have you done? Many of your stations have no fencing. Fence out the railway station. Keep your third class booking offices outside the fencing. As regards slot machines my Honourable friend asked me to go and see it at the Delhi station. I see it at the Delhi station not less than 50 times a year travelling backwards and forwards. And my Honourable friend says that they have to keep a man at the slot machine. If you install a rubbish slot machine you will require a man. In the underground railways all over London they have only slot machines and no men in attendance. Have you ever heard of any slot machine in England requiring a man to look after it? If you cannot have more slot machines then have more booking offices in the stations.

I would request my Honourable friend to pay a surprise visit to the first class carriages on the East Indian Railway, and not to travel in his saloon. He will find for himself whether repairs are not needed in almost every item. Most of the carriages are in absolute disrepair. The taps do not work, there are no amenities there. Doors get jammed.

An Honourable Member. Windows do not open.

Sir Abdul Halim Ghuznavi. Windows never open. That is the condition of the first class carriages in the East Indian Railway. When Chambers of Commerce appeal for a change in the timing of trains, when we go to the Railway Board we are asked to go to the Time Table Committee. The Time Table Committee will not listen. They say, "Gentlemen, we cannot do this, we cannot do that." There ends the matter. If we go to the appellate body which is the Railway Board, they say, "Please refer to your Time Table Committee." We reply, "We have referred to that Committee, but it will not listen."

The 7 Up and 8 Down, Tufan Express as it is called, used formerly—ten years ago—to be run at very convenient times. It used to leave Calcutta at about quarter to 4 and arrive in Delhi at about 4 o'clock or

[Sir Abdul Halim Ghuznavi]

quarter to 4 Similarly, it used to leave Delhi at a quarter to 4 and arrive at Calcutta at about quarter to 4 Goodness knows what happened It began to leave Calcutta at 1 o'clock and arrive Delhi at half past 3, leave Delhi at 6 o'clock and arrive Calcutta at 9 o'clock

Lieut.-Colonel Sir Henry Gidney. They do not want another Bihta inquiry

Sir Abdul Halim Ghuznavi: After repeated begging of the East Indian Railway people we were told that one of the reasons is this, that we do not run a duplicate train So, the train which brings us, No 7 Up, has to be washed and cleaned and so on and then it starts back late All this because there is no arrangement for a duplicate train Will the Communications Member with all the money in his command provide us with a duplicate train in any event and make it a convenient timing, if not anything else Have you heard of such a thing? They have not got a duplicate train Every train has a duplicate train except this 7 Up, which is a most important train service That is the most convenient train which passengers like but there is no duplicate train I hope, Sir, in conclusion that the Communications Member will at least give this relief to the commercial bodies which they want and not impose this five per cent surcharge from November to March, 1942

Lieut.-Colonel Sir Henry Gidney The Honourable Member in charge of the Railways thoroughly deserves our congratulations for having presented a budget with such a big surplus, from which he has been able to contribute such an enormous amount to the general revenues at this critical time This budget that he has presented to us is certainly a remarkable one But I think its remarkability ceases when one realises that it is, what I might truthfully call, one of the twin budgets, the two members sitting close to each other today being responsible for the twins I would not call them Siamese twins but they are certainly financial twins If you reduce one, you affect the other If you produce one, you don't reduce the other The Honourable Member has certainly been lucky It is better to be born lucky than rich and certainly, during the two years of his tenure of office, he has been able to present very excellent budgets and he has been lucky also because he is not faced with a strong opposition today and any opposition that did exist has disappeared from this House I share the sorrow of the last Speaker who remarked on this exit of our worthy brethren—the Muslim Group and while I do not think that they deserve to be sent to Ranchi or to be called insane, I am afraid they have committed a tactical blunder in not being here to press their points I certainly am one of those who has a big heart, to support my Muslim brethren I think it was I who many years ago first sowed the seeds of discontent in their minds

Sardar Sant Singh: Seeds of mischief?

Lieut.-Colonel Sir Henry Gidney: and you Guru Sant Singh have fertilised them I remember it So it is a matter for great sorrow that they are not here today and therein lies the larger amount of luck that faces the Honourable Member It can be truly said that this surplus

budget is not due to any particular efficiency or proficiency on the part of the railway staff. To my mind it seems to be a case of Peter has paid to Paul, that which Paul has had to pay back to Peter. It is a paper transaction and the large surplus is due to increased rates and fares associated with the almost starvation wages of the employees. I shall have more to say on this matter later on. But none the less the Honourable Member does deserve our unstinted thanks and congratulations.

I should not emulate my friend, Sir Abdul Halim Ghuznavi. I remember a memorable occasion in London when I was present at a secret meeting. It is all finished now. The Round Table has now become square. I remember how at the meeting Sir Abdul Halim Ghuznavi emptied his pockets of sheafs of telegrams which he had sent to himself. I am not a financier. I do not pretend to be one. The Leader of my Group has touched on these matters and I associate myself entirely with what he has said and I shall leave it to other experts in finance to deal with those problems. I shall only deal with certain aspects of the Honourable Member's budget speech which appeal to me and which have a direct bearing on the interests of the community whom I represent in this Honourable House.

The Honourable Member has said that a certain number of officers and men have gone to the fighting forces. I am not aware of any large number of Railwaymen who have gone to the front, except it be from officials and a few companies of subordinate staff. One State Railway on the other hand a few months ago issued a circular putting a cold blanket on the enthusiasm and patriotism of its staff. Indeed this railway went so far as to say that any effort on the part of the staff to seek war service would be considered as an attempt to better their prospects and that it would not be allowed. It added a conciliatory note that they would be told when their services were required. Such a notification from a State-managed railway, the G. I. P., I may say, has been responsible for the absence of that patriotism which characterises the community that I represent in this House and it is with a great sense of sorrow that I bring this to the notice of the Honourable Member in charge of Railways. I ask him to give members of my community serving the railway an opportunity of serving their King and country and not to think of their effort as a desire on their part to better their prospects. For, after all, the loyalty of certain people cannot be bought. I submit that it is in the interest of the entire Railway Administration, as the largest employer of labour, not to discourage the sense of loyalty of its employees. I would appeal to the Honourable Member, therefore, to instruct the Railway Administrations to encourage these people in their desire to serve their King and to grant them a lien on their appointments, be they permanent or temporary. I know that it may be suggested that railwaymen serve their King and country just as well as servants of the Railway Administration. It is also said that they occupy key positions. But all of them are not holding key positions and it is on behalf of those people that I make this appeal.

Now, every loyal subject of His Majesty will be happy to hear of any contribution which we are in a position to make of men, money and material towards the efficient prosecution of the war. I shared the same feeling when I heard the Railway Member's announcement that certain railway lines had been de-railed and that the rails had been sent to England for purposes of the war. I am glad to note that he has not de-railed or un-railed all the lines that he had in mind and which were brought before the

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Central Advisory Council. But what I should like to ask the Honourable Member is, if this is so, then why were these Railways constructed? What survey and what investigation was made?

An Honourable Member: Whom are you addressing?

Lieut.-Colonel Sir Henry Gidney: Certain railways are today found to be unremunerative. Why has the Railway Administration been maintaining these unremunerative railways for all these years? And now these are found to be unremunerative. I agree with the Honourable Member that we should do our best to help the Empire at a time when metal is sorely needed, but why construct such unremunerative lines at all? Sir, I think myself that more care is needed before new railways are constructed or surveyed, for such unnecessary expenditure compels retrenchment in other directions and the only economy in the mind of the Railway Board is to reduce the salaries and the amenities of its subordinate staff.

Now, I wish to refer to that part of the Railway Member's speech in which he talked about the services rendered by the Railway staff. The most disappointing feature of his speech was the absence of any help to be given to the sorely-tired, over-worked, under-paid, diminished staff of the railway services in this country. It cannot be denied that the description I have given of that staff is the correct one. No doubt the Finance Member and his financial officers will say that when they can get men at lower rates why should they give higher rates of pay? But remember that happiness and contentment of the staff are the chief factors that contribute to the efficiency of your workmen. Why give these men only sympathy and thanks—a starvation diet?

But a still more disappointing feature in the Railway Member's speech was his announcement regarding the manufacture of locomotives. Sir, as early as February, 1927, I was the first Member in this House to press the need for the construction of locomotives in this country and it gave me great delight when I saw that the Pacific Enquiry Commission had recommended that locomotives should be built in India. Here we are told again, after a special Committee sat and recommended this, that "we cannot prosecute this work."

Mr T. Chapman-Mortimer (Bengal European): On a point of order, Sir—Is there a quorum in the House?

(The bell was rung and there was then the necessary quorum.)

Lieut.-Colonel Sir Henry Gidney: I thank you, Sir, and I thank the Honourable Member for pointing this out. Sir, we are told that on account of the war we have to postpone the manufacture of locomotives. The Honourable Member also stated that a certain number of engines had been ordered—twenty-five I believe—and were to be constructed by the B, B and C Works. I am glad that in India we have this one workshop capable of doing this, but I believe,—I speak subject to correction,—that the Ajmere workshops are not equipped for the manufacture of broad-gauge engines, I believe they manufacture only metre-gauge engines. I also understand rightly or wrongly that the locomotive workshops at Ajmere do not manufacture engines *en bloc* or in their entirety. They only assemble the engines. The important parts such as the wheels, axles,

the boilers and such other things are brought from England and are assembled in Ajmere. In any case I submit with all respect to the Honourable Member that this is putting off a strongly expressed demand of this House and on the part of the country. We have given a lot of time to consider this question of manufacturing our own locomotives and now, when England is so pre-occupied in supplying her own needs, why should the war be put forward as an excuse for further postponement? Have the same reasons been adduced in regard to the manufacture of aeroplanes? No, Sir. Indian industrialists are reported to have offered to finance the manufacture of aeroplanes. What has influenced the Government to look on those offers favourably? Why then should we not also manufacture locomotives in this country? Sir, to rely now on the home country is solely to strain the manufacturing capacity of England. I submit, with all respect to the Honourable Member, that the time has come indeed it is long past when we should start the manufacture of locomotives in some part of this country where it is possible to do so. I hope Sir, that on a further consideration, the Honourable Member will give this matter his serious thought irrespective of the cost and unmindful of even some possible loss of efficiency.

Sir, the Honourable Member, in another part of his speech, has spoken about the amalgamation of the Eastern Bengal and the Assam-Bengal Railways. Sir, I am in favour of the amalgamation of Railways chiefly from the point of view of economy and lessening the administrative staff. But here it has been decided by the Railway Board to amalgamate the E. B. and A. B. Railways—I have no doubt then experts have advised them to do so and that they are more equipped with information than I am,—but I cannot conceive why the Assam-Bengal Railway is to be amalgamated with the E. B. R. and why is it that the E. I. R. and the E. B. R. ought not to be amalgamated. Anyone who is familiar with these two Railways will agree with me that at Kanchiapara and Lillooah, a few miles distant from each other, are two separate big workshops manufacturing and repairing carriages and wagons of these two State Railways. The Stores Department is also uneconomically duplicated. One could readily understand the amalgamation of these two Railways for that would not only mean a reduction in staff but considerable economy. But here we are told that the amalgamation is to take place of the E. B. R. and the Assam-Bengal Railway. It does not need much persuasion from me to convince the Railway Board—unless that Railway Board is cracked—that the Assam-Bengal Railway functions mainly on the other side of the river. Do they realise that by this amalgamation they will not obviate two offices in Calcutta and Chittagong, two workshops at Kanchiapara and Pahartali. I think it is a matter that deserves then consideration. I am certainly for amalgamation, but I do consider it would be a much wiser method and a more economical one if the E. I. and E. B. Railways were amalgamated and not the two that they propose to amalgamate.

Sir, I have not much enthusiasm for State control over railway administration. The Railways ought to be run, if they are to serve their purpose, as purely business concerns. The object of these railways should be to serve their customers and to keep their servants efficient and contented regardless of political considerations. I regret to observe and I do so with a full sense of responsibility and experience that in the State-managed railways many of these considerations necessarily take a back

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seat at any seat at all. Politics is allowed to interfere to a very large extent. Bureaucratic influence and red-tapism, inherent in State-management, contribute to a large increase in officials and inordinate delay, and efficiency is sacrificed in an effort to meet the demands of politicians. And if I am about to sound a note of discord it is because in the one instance I have in mind there has been a very serious disregard of fundamental principles of administration. The chief defect of a Company-managed railway, on the other hand, is nepotism and favouritism. They are almost synonymous terms. Being human one can excuse that to a certain extent for it is not entirely absent even in State Administrations. But when favouritism is allowed to get the better of rules and regulations affecting the safety of the travelling public for whom the Railway caters, and for whom the Railway Member is personally and directly responsible not only to the Government but to the Secretary of State for India, it is time that even a confirmed supporter of Company Administration like myself should raise my voice of condemnation against that Railway regardless of the consequences.

I refer to the South Indian Railway and the appointment last year of a person who did not possess the prescribed qualifications as Chief Medical Officer of that Railway. It is not as if the error was not pointed out to the Administration and also to the Railway Board and the Railway Member. A District Medical Officer of that Railway in defence of the dignity of his profession not so much for his own advancement respectfully and in an Irishman's language pointed out to the Administration this lapse on its part. Even if he had his own advancement in his mind, no man may say he was wrong in attempting to secure his legitimate rights against the vagaries of favouritism. But he failed in the attempt. His appeal to the Railway Board pointing out the action of the Railway in disregarding its own previous ruling in the matter of qualification for the Chief Medical Officer and those of the Railway Board was withheld by the Administration. It is not an Anglo-Indian who is concerned in this matter and this I say for the information of my Honourable friend Sir Andrew Clow. Dr. Johnson is not my client. I am not a professional politician. This I say again for the information of those who are anxious to know it. Dr. Johnson is a brother medical officer, an Irishman, he may be a Sinn Féiner, so is the Railway Board, so is the Finance Member and so is the Communications Member. We are all Sinn Féiners in our own line. We have our own obstinate views. Now Sir, this officer is a Britisher and a victim of a Board consisting of Britishers. When he mentioned to me as one whom he knew, as I met him a few years ago at Trichinopoly, about the manner in which the profession was being insulted by the utter disregard of medical qualifications prescribed, I felt it my duty first to cable to the Home Board, next to the Honourable the Railway Member and later to this Assembly. Dr. Johnson was summarily removed to the smallest district in his railway as a punishment and he was later summarily dismissed. Here is an example of a Britisher who has been exposed to the caprice of a body of people sitting 7,000 miles away administering the needs of millions who travel on the Railway and who has been removed from service because he had the temerity to ask for his rights and protest against what is wrong. If that is the fate of a high official, a senior District Medical Officer and a British born subject even though he was an Irishman, can this House imagine the fate of an ordinary subordinate who dares to protest against what he considers unjust action on the part

of the Administration? If the regard paid by the Home Board of the South Indian Railway and its Agent and retaining C M O to past rulings in the matter of C M O's qualifications is to be taken as a criterion of fair administration, what chance has a subordinate to get the Railway officials to implement the appeal rules of which we spoke at such length the day before. If in the case of a District Medical Officer he deserves to be discharged because he communicated with and sought the advice of a person whom he considered capable of giving him advice, what will be and is the fate of a Railway subordinate who commits such a heinous offence? I shall deal with Dr. Johnson's case in further detail on some other occasion. But my object in referring to it here is to show the chief defect of Company Administration, particularly so far as those who serve under it are concerned. I will go so far as respectfully to call upon the Communications Member—I know I have his sympathy and I admit with gratitude the part he played—that the time has now come when he should assert his position, in the same manner as he does in other railway problems, on Company-managed railways. It is no use giving the stereotyped reply, "We cannot interfere." You can and you do. You interfered with Bengal Nagpur Railway seriously on two occasions. Once when my community was concerned and on another occasion when there was a labour strike. But in these cases the record was a disreputable one, the genesis of which I hesitate to tell this House. But I bring to the Honourable Member's notice the case of Dr. Johnson and I suggest to the Honourable Member that unless the Home Board gives a satisfactory explanation and complies with his request this House should seriously consider the termination of the contract of these Company-managed railways which can be done if they disregard these fundamental principles. Happily this is not my experience of all the Company-managed railways. I see the Finance Member is indulging in a very fine smile but I can assure him that his blood would boil if he knew what was being done to us. I have had the nicest of relations with the South Indian Railway.

As for the Bengal Nagpur Railway, it is really an ideal employer of labour. But this particular case is an outstanding instance of gross miscarriage of justice and I feel it my duty to quote it as an example of the extent to which a Company Administration can go and the need for the reservation in the hands of the Government of India a greater voice in the administration of justice as between employer and employee on Company-managed railways. What is the use of the Honourable Member saying that Government possesses 90 to 96 per cent of the property when you allow the four per cent to rule you and when you say that you cannot interfere with these railways. It is foolish, it is a farce to say that you own these railways and yet you cannot control them simply because it pleases them to throw a few debentures on to the market and because they have a Home Board of retired Agents.

It is the worst nucleus to form a Home Board. Retired Agents who have lost the control of their nervous tissues go there to form the Home Board full of their own bureaucratic ideas. Brutus speaks, let no dog bark. That is the Home Board for whose vagaries the officials here have to suffer. Sir, I cannot be tepid in my feeling. Here is a gross dereliction of duty, an ugly dereliction of duty and the Honourable Member for Railways cannot deny that. It is no use saying that this man is a Sinn Féiner, this man has a little Johnnie Walker. Who has not when he goes to a club. There is no use of complaining like that. Why have this *post*

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mortem on a man's ability. With all the emphasis at my command, and I seek the support of this House in this respect, I call upon the Honourable the Railway Member to demand an explanation from the Home Board as to why the claims of this senior officer have been overlooked for the post of Chief Medical officer. If not, we will table a Resolution here asking the Government to terminate the contract with the South Indian Railway. No doubt, the Honourable Member will have the upper hand because on his advice everything depends. I again repeat, I know I have the heart of the Honourable Member. He knows this matter as well as I do. He knows my feelings on this matter. He would have known the feelings of this House had I moved the motion for adjournment last Session. Sir, I again appeal to the Honourable Member to look into this matter. Why put an unqualified man as the Chief Medical officer? He was not even fit as a District Medical officer, he cannot, therefore, be a Chief Medical officer simply to satisfy the whims and caprices of an Agent who, unfortunately, is no longer in this world.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more.

Lieut.-Colonel Sir Henry Gidney: I have just a few remarks to make.

The other question I want to discuss is the question of selection. To say that you have promotion by selection is a very vague claim. Some promotions are done by seniority, some are done on a salary grade and others are done on qualifications and still others are done on no principle at all. In my opinion, Sir, in all railway matters there are three sides, the subordinate side, the official side and the right side. I want to come to the right side of this selection of appointments. Whenever one makes any complaint about these appointments, then selection comes in, this is raised whenever a junior man is placed over a senior. I can readily understand the need for the Railway Board to get a junior man in the prime of life well trimmed capable of rising higher. I encourage that. But when you come to a professional appointment, such as the vacancy of the Chief Medical officer, I desire to know who compares the value of the three men whose names are put up from various parts of India. Do you get a medical man to assess their values, or is the privilege given to one man, one non-professional man to decide "this man is fit, not that man"? Do you give the other man a chance to work and rectify his errors if any?

Sir, this method of promotion by selection is very largely one of nepotism. I believe the Honourable Member in charge of Railways has a very high sense of justice. But who has advised him in the recent appointment of Chief Medical officers? Did the Railway Board advise him?

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member must conclude. He has exhausted his time limit.

Lieut.-Colonel Sir Henry Gidney: I ask the Honourable Member to take serious notice of this and other matters. I have a lot more to refer in my cut motions.

Mr. Lalchand Navarai (Sind Non-Muhammadan Rural) Sir, I rise with a heavy heart to speak on this occasion, because I find on this side I have to address empty Benches and on the other side only 30 Members are present. I find that even on the Government Benches some are out. I do see that Honourable Members of the Muslim League Party have disappeared from the House, though it cannot be said that all Muslims in the country or in the House share their views. I find my Honourable friend, Sir Abdul Halim Ghuznavi, and a few other Honourable Members in this House do not share their views. However, I will not come between them. It is not my policy to come between them, nor does the occasion require me to do so. I only refer to this because it is really a sorry plight to see that on this side of the House two of the major parties, the Congress and the Muslim League have considered it fit to go out of the House. Now, it cannot be said that both have no grievances. The country is already dissatisfied with the policy of the Government. They have declared it so often. They have said that this political blockade should discontinue.

An Honourable Member: You mean deadlock?

Mr. Lalchand Navarai. Yes, this political deadlock is due to the existence, the persistence and the dogmatism of the British Government and the Government of India. Long ago the Congress thought it fit to boycott the House, today we find the Muslim League have joined that boycott in the sense of walking out. It may be for a day only, because I do not think they will do it for all times. If the Government offer them something more, they are sure to walk in again. The Muslim League have adopted this policy only with that end in view. Now, Sir, the question is who is responsible for the discontent in the country and the bad feeling between the Hindus and the Muslims. (Interruption) Well, my Honourable friend says, Railways. Yes, Railways form part of the Government. I say Government is responsible. They have introduced into this country the policy of divide and rule. They have done it from the very beginning. The Government are solely responsible for the present state of discontent in the country. The Government stick to their present policy to the detriment of the country. Having pursued this policy of divide and rule all along, the Government now come forward and say that unless the Hindus and the Muslims join together, we are not going to give you any reforms.

Mr. President (The Honourable Sir Abdur Rahim) We are not concerned with that. The Honourable Member will deal with the Railway Budget.

Mr. Lalchand Navarai: I am coming to the Railway Budget. These are merely preludes. Now, Sir, coming to the question of the 1 P.M. Muslim League, they have thought it fit to walk out of the House today. I do not know whether they have genuine grievances at all or not. But I must take exception when they say that they have a genuine grievance against the present Railway Member. I will not join them in this criticism of the Railway Member. Many times the Muslim

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League Members have said the Honourable the Railway Member is a reasonable gentleman. From that point of view, I will not say that I disagree with them. But what is then position today? There are one or two points that have to be considered in condemning the Honourable the Railway Member on this occasion. Of course, after all it is the Muslim League that has done it. Not all the Muslims of India have done it. The Muslim League members have done this with a view to making the Honourable the Railway Member to succumb to their demands, with a view to give them more than their just due share. This is a different question and I am not going to say anything on that. There are two points that have to be borne in mind. In the days of the Honourable the Railway Member two things have happened and they are more or less on the demand of the Muslim League Members mostly. One is, I find, Khan Bahadur Muzaffar Hussain as a member of Railway Board. At any rate there is a Muslim Member on the Railway Board whereas there is not a single Hindu. Now, to think that their interests are not safeguarded there, is to condemn their own man. So if a few smaller appointments here and there do not go to them they should not condemn the Railway Member. I do not hold any brief for him but a charge has been made and it is for him to clear himself. I will only say that these two points occurred to me. The second is this, they say that their recruitment has not come up to the ratio which was wrongly awarded to them by promising appointments on communal lines. In that connection, when they wanted an officer to investigate into this question, it was on their demand that Mr DeSouza was appointed along with a Muslim officer to prepare a report. And questions put here have elicited the reply that Muslims have not only got their proper share but even one or two per cent more. I must say that for the walk-out staged today it is the Railway Department as well as Government who are responsible. Why did they issue that Circular in 1934 instead of giving appointments on merits? That was, however, when Muslims were not well-educated. But now they are quite well-educated and they are passing all kinds of examinations and they are actually getting appointments. Now the time has come when that Circular should be withdrawn. So the responsibility lies with Government. But I may say that every community has got a grievance and we Sindhis have got in Sind a grievance, against the North Western Railway.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member had better not discuss provincial matters. He should confine himself to the Railway Budget.

Mr. Lalchand Navalrai: I am speaking of railway appointments. In the Sind area the people of the soil are not getting appointments but importations are made from outside. But on this account we never intended to stage a walk-out. But this question of Sindhis also has to be investigated and the grievance remedied.

Now coming to the actual budget, it is necessary, according to a convention which has grown up, to say whether we congratulate the Honourable Member who presents the budget or condemn him. On that point no one can deny that it is a very bright budget. It is a prosperous year for the Honourable Member and we have to see whether it is his luck,

which has brought about so much surplus or something which he has himself done. In this connection I must congratulate him on his tact and foresight. He had to satisfy the general revenues and to satisfy that obligation at this time of war he played a far-sighted and tactful part in framing his budget in this manner. One cannot say that it is only his tact and far-sightedness exclusively that has produced this surplus. We have to consider that rightly according to him and wrongly according to the country, he imposed a surcharge on freights and rates. The travelling public had already got discontented with the increase in rates and fares even now and then and when this surcharge was imposed the fares were already very high and there was a demand for reducing them. That demand being there, the imposition of this surcharge is not correct at all. We are not going to cry over spilt milk but we want the Honourable Member now to consider whether this surcharge should continue any more? I shall show from facts and figures that it is not necessary now that the whole surcharge should be levied and recovered. He should consider reducing it.

Then, the question arises whether anything has been shown in the budget by which it can be said that economies have been made. I do not find any. We have been asking that economies should be made, and if economies are made, the question of help in the war would also be solved to some extent. The Honourable Member has done nothing. This question has been agitated often about officers of government drawing very high salaries and then salaries have not been reduced. Even that is not considered in these days when money is required for war purposes and for other amenities in the country itself.

Then there is the question of the divisional system on the railways which has been condemned many a time in this House. It is a very expensive and cumbrous way of carrying on the administration. Formerly there were not so many officers and the work was going on all right under the district system. Nothing has been done to remove the surplus officers there who are doing no work. One can safely say, therefore, that the Honourable Member has made no economies.

Coming now to the financial position we find that the Honourable Member has got a surplus of 1,459 lakhs. Out of this 6½ crores go to general revenues. The Honourable Member has indicated how this money should be allocated. He says that according to the convention the first charge is the contribution to general revenues—463 lakhs in addition he has to give to the general revenues the last year's balance of 30 lakhs. Then after putting three crores to the railway reserve, another 222 lakhs go again to general revenues. The total of all these contributions comes to 715 lakhs.

An Honourable Member: He has given too much!

Mr. Lalchand Navalrai: It is a question whether he should have given all this at once. There is no doubt about that. Then he has got a large reserve and that reserve has to get first, three crores out of the surplus, and out of the remainder he has also put 444 lakhs in reserve in all 744 lakhs. The total of these two items comes to 1,459 lakhs. Nothing is left for any amenities or advantages to the country.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member can resume his speech after Lunch

The Assembly then adjourned for Lunch till Half Past Two of the Clock

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr Deputy President (Mr Akhil Chandra Dutta) in the Chair

Mr. Lalchand Navalrai: Sir, before the lunch hour, I was pursuing the point that there is no more necessity of having a surcharge on the existing rates and freights, and that relief should be granted under the present financial conditions. But I have shown that there are large surpluses now kept by the Honourable Member which amount to 7.44 crores. The position of the estimated budget for 1941-42 is also very rosy. It is clear that there will be a surplus in the year 1941-42 to the extent of 11.83 crores. Now, Sir, in order to justify my own point that this surcharge should be removed, I submit that after providing for 4.68 crores for contribution to the general revenues minus the loss on strategic railways, it will leave a balance of 7.20 crores, and if the 6½ crores which are to be realised as surcharge are not recovered it will still leave a balance of 70 lakhs in reserve fund, and this sum will be added on to the large reserves that you now have got. Therefore, there is every justification for demanding the removal of the surcharge, and I hope the Honourable Member will consider this matter very seriously, because at the time this surcharge was removed, he had to remove his own obligations of paying to the general revenues. Now, even if in the next year the general revenue obligation is made good, even then there will not be a deficit budget. Under these circumstances, I would request the Honourable Member to consider this matter seriously, and if he cannot remove the entire surcharge, I hope he will see his way to remove at least 50 per cent because even that much mercy will be great source of relief to the people.

The next point I wish to take is one which relates to the question of promotions to the staff. I have already condemned the policy of the Government in regard to introducing communal considerations with respect to recruitment, because the staff is suffering very greatly on that account. Then present policy of recruitment appears to be incorrect. To introduce communal considerations even in regard to giving promotions is entirely a wrong policy, because you will thereby be creating great confusion, and the confusion will be worse confounded later on, because you will have to consider every time whether a man is a Hindu, Muslim, Christian, Parsi or Anglo-Indian when giving promotions, and it will bring about so much confusion that you will find it very difficult to carry on the administration. Therefore, I hope the Honourable Member in charge as well as the Government of India as a whole, will not yield or succumb to any influence that may be brought upon them and that they will carry on their present policy with boldness and independence with which they have followed till now.

Now, Sir, I come to the question of fares for suburban tickets. In paragraph 28 of his speech, the Honourable Member in charge has referred to the investigation in progress in regard to fares for suburban tickets.*

These tickets are largely used in city areas where people do not find sufficient living accommodation and have to find accommodation in the suburbs. Most of the people who take advantage of these tickets are employees or petty merchants, and if the fares are increased it would hit them very hard. The railway is likely to lose this traffic, for, the increased cost may be as much as these people save in rental by remaining in the suburbs, and therefore the railway traffic will also decrease. There is also the possibility of their taking to road transport, as all suburbs are connected with the city by good motorable roads. Therefore, this policy should not be followed, and the concession that they enjoy should continue.

Next I come to the question of rebates. In the same paragraph reference is made to the investigations being made, as to whether rebate on wheat exported from Indian ports is justified. With the encouragement of rebate, the merchants accumulate large quantities of wheat at ports and try to find foreign markets with a view to obtain rebate. If this concession is withdrawn, it would impede trade, and without any encouragement, the merchants will not try to secure foreign markets for Indian wheat. The concession of rebate on exported wheat therefore should not be withdrawn.

Then, Sir, I refer to the question of war allowance. I find that a sum of Rs. 189 lakhs has been provided in the budget estimates for war allowance to employees and for some other items which have not been disclosed or defined. With regard to war allowance, it is a well-known fact that the Government had appointed a Court of Inquiry. The Report of this Court was submitted in December last. No orders have been issued so far on its recommendations. There has been considerable delay, and the labour naturally is growing quite restive at this delay, because it has been passing through difficult times. Sir, a press telegram from Bombay states that the Great Indian Peninsula Railway Union Executive is meeting on the 23rd inst. that is, tomorrow, to decide the future plan of action, and strike appears to have been contemplated. There appears to be absolutely no reason why the Government should delay issue of orders granting this much needed relief to their employees. Since provision has already been made in the Budget for the grant of war allowance, I hope the Honourable Member will see that orders are issued at once.

Then, Sir, with regard to the nature of the relief, the Court of Inquiry has laid down limits of pay for the city, urban and rural areas at Rs. 35 and Rs. 25 respectively. That scheme would not give proper relief. It is not, that only these classes of employees have been affected by the increased cost of living owing to war, but there are other classes of employees as well who are living on the border of insolvency. They are middle class people employed in lower clerical jobs carrying a salary of Rs. 30 to Rs. 60. This class of employees also needs relief very badly. Therefore, in any scheme of war allowance, the staff drawing up to Rs. 60, should not be overlooked. For the purpose of determining salary, only pay and no other allowances paid in cash or kind or as a facility or other privilege like a free house, should be included in pay, for, railway employees work under peculiar conditions and need some facilities and privileges which do not necessarily increase their wages.

Then, I come to the long pending question of the first grade clerks. There is a question of relief to grade I clerks employed in various branches of service on the North Western Railway. This class of staff who is seen

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working at stations, sheds, shops and offices,—they are blocked on Rs 60. There is no provision for easier flow of promotion to the next higher grade. A large majority of them have to retire on this salary. This is surely an insufficient wage for persons with long service and large families doing the most important work as railway's sales agents. The question of giving them relief has been agitated since last 12 or 15 years. At one time, in 1930, amalgamation of grades I and II was in sight under which scheme an employee could go to Rs 90—95 without a hitch or want of vacancy in the higher grade, but owing to the general depression of 1931, the proposal had to be shelved. Since 1939 this question has been under the active consideration of the Railway Board. Hopes have been held out since long. Something definite should be done for these men to ease the flow of promotions. The best proposal would be to amalgamate grades I and II. If this is not possible, the clerks who reach Rs 60 in seven or eight years time should automatically step in grade II after about 12 years service irrespective of any consideration of vacancies in grade II. I hope the Honourable Member will reconsider the matter in the light of the considerations that have been now put before him and pass orders favourably.

Mr. Deputy President (Mr Akhil Chandra Datta) The Honourable Member's time is up.

Mr. Lalchand Navalrai I thought I had only spoken for twenty minutes.

Mr. Deputy President (Mr Akhil Chandra Datta) I am afraid the Honourable Member is wrong. The time is noted down here.

Mr. Lalchand Navalrai I won't take long, you may grant me another one or two minutes and I will finish.

Mr. Deputy President (Mr Akhil Chandra Datta) That is another matter. The Honourable Member will finish soon.

Mr. Lalchand Navalrai On the Great Indian Peninsula Railway, clerks having completed 10 years' service automatically go up to grade II or in the scale which reaches the maximum of Rs 80 by fixed annual increments. There is no reason why the North Western Railway clerks should be dealt with differently.

Further, with regard to the divisional office clerks it is apparent that grade I and II clerks in these offices do similar work, though it was originally intended that grade I clerks would do initial work of record keeping and routine matters, but in practice they have been working as disposal clerks exactly like grade II clerks. This fact has been admitted by the Divisional Superintendents in their official correspondence with the General Manager and by the General Manager himself. I refer to his letter No 522-E/235, dated the 4th August, 1937, addressed to Divisional Superintendents. This is how the relevant portion reads:

"It is remarked that the duties of Grade I clerks in a large number of cases are those which are performed by disposal clerks."

The Divisional Office clerks do most important administrative work and like the clerks in accounts offices their work is of important nature. Since the grades I and II for accounts office clerks have already been

amalgamated in 1935, the same treatment should be accorded to the divisional office clerks. There are only about 450 clerks in grade I in these offices and the recurring expenditure on amalgamation or another scheme of relief would not be much—it may amount to a few thousand rupees at the start and then go up to a lakh of rupees eventually.

I will also refer the Honourable Member to the necessity of considering the question of territorial appointments in certain divisions of the railway. Sindhis are suffering on that account. The manner in which the Sindhis are being recruited at present in Sind section of the North Western Railway is very defective.

Mr Deputy President (Mr Akhil Chandra Datta) The Honourable Member must conclude his speech.

Mr Lalchand Navarai: I appeal to the Honourable Member in the end that this question of recruitment of Sindhis should not be considered lightly. If the policy is changed for the better, there will be no discontent.

Mr. Govind V. Deshmukh (Nagpur Division Non-Muhammadian) The Honourable the Railway Member has been congratulated for his good luck in presenting this surplus budget. That luck has come to him in the form of Hitler, the war, but, as they say, one man's meat is another man's poison. The war which has benefited the railway has ruined the agriculturists. It has stopped all their exports and they are reduced to a very pitiable condition. The Honourable Member, in the part of the speech referring to the surplus according to his revised estimates, has observed,

"This increase in coaching traffic is particularly encouraging as affording evidence of increased prosperity among the masses."

I may tell him that the masses never enjoyed any prosperity, and, therefore, there is no chance of their increased prosperity. Those who are aware of the conditions in India during the last ten years will decidedly say that the agriculturists who are the masses—because 75 or 80 per cent of the population in India live on agriculture, they are all agriculturists—never enjoyed any prosperity, can never be said to have any increased prosperity. "It is particularly encouraging as affording evidence of increased prosperity among the masses." As I have said, these agriculturists are suffering from long and continued depression on account of the failure of crops and the reduction in the prices of staple products, and the railway has been very unkind to them, because the railway has given them no concession in the matter of freight in transporting their goods for sale to the nearest market.

I will now refer to that part of the Honourable Member's speech where he has referred to the dismantling of railway lines. These railway lines were dismantled for shipment overseas. Let me refer to the relevant portion of the speech.

"We regard all these lines notified as unremunerative.

It is some consolation to know that lines which, if we had remained at peace, would soon have proved superfluous, are going to meet an urgent need and to feel that it is not a case, as in the last war, of leaving the tracts affected, without mechanical transport altogether."

It seems to me very queer that lines which were constructed and must have been constructed after taking into consideration all the facts as to

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whether they would be profitable or not, should prove in the long run uneconomical. We have had no proof that these lines were being run uneconomically. The Honourable Member continues

'In present circumstances, the motor transport industry should be able to carry profitably most of the traffic which these branch lines found inadequate for their maintenance.'

This is meant as a consolation to those who might grumble regarding the dismantling of these railway lines. It is very hard for the agriculturists to make his voice reach the Honourable the Railway Member. There have been protests as regards inconvenience caused in several parts of the country on account of the dismantling of the railways. We had an instance on the floor of the House as regards Lower Bengal where a line which has been dismantled is going to cause a great deal of inconvenience.

Now, Sir, the consolation which has been offered to those who are going to suffer on account of the inconvenience caused by dismantling of the railways is the motor transport. How does it affect us now? It is no consolation at all. In these days of war, all the motors have been requisitioned by the army. I have a letter here from the Provincial Motor Union, Central Provinces and Berar which says this: "In this province nearly one hundred motor vehicles are being acquired by the military authorities for training their drivers at Jubbulpore. In this connection the association has made a representation to the Central Provinces Government as well as the military authorities, Jubbulpore, a copy of which is herewith attached for your information." Now, the Railway Board says: 'Gentlemen, don't get irritated, don't get uncomfortable over the situation which has been created by the dismantling of the railways. There are the motors.' Now, the motors which are being offered as a sort of consolation are being requisitioned by the army. I wish there was some sort of co-ordination or co-operation between the two Departments so that the agriculturist or the passengers whose inconvenience caused by the dismantling of railway lines is to be removed could be properly looked after. In these days petrol is getting dearer and scarce and also lubricating oil is getting dearer and when everything is getting dearer, how can a man afford to travel in motors, the motor travelling will be rare and dearer. The remedy suggested as a matter of fact is very defective. There can be no remedy when the army requisitions all the motors. Therefore, I submit that the Honourable Member had better be very careful about the interests as well as the convenience of the agriculturists, and the convenience of the poor masses while dismantling these lines.

Then we have had a little reference in the speech to the construction of broad gauge locomotives. We have been given the reason why these cannot be manufactured at present. I am not going to criticise this at length because the matter has been discussed already. I would like to know, because there is no indication in the speech that has been made, what arrangement they are going to make to train men for the skill which is necessary for the manufacture of these locomotives. Do they say that they will do nothing hereafter? It may be that your hands have been requisitioned for the purposes of the war but nothing prevents you from advertising for candidates, if you want candidates, who will be trained as skilled labour for manufacturing these locomotives. There must be

hundreds of mechanical engineers who, with a little training for a certain period, could be made competent to manufacture these broad gauge locomotives. In this connection I should like to refer to what the Department of Labour is doing. It is advertising for candidates for training them in skilled labour for the purposes of Ordnance or defence and other necessary services for carrying on this war. Why cannot you do it? At the back of their mind is there the idea not to have the manufacture of these broad gauge locomotives in this country? They are to be blamed for their neglect in the past, these locomotives were to be manufactured today with that very skilled labour. Certainly it could have been manufactured years ago with the same labour which has been transferred to the Defence Department now. We have had no making beyond the fact mentioned by the Railway Member that they have transferred these skilled workmen. But why cannot you do something? Why don't you take steps to do something? So far as this part of the speech is concerned, it is most unsatisfactory. I should have expected some initiative in the matter, if skilled labour was the thing that was necessary. It cannot be said that they are devoid of any initiative or that they also cannot take the steps which have been taken by the Labour Department and other Departments, when they want hands to carry out their work.

I come now to freights and fares. The Honourable the Railway Member has said that there can be no reduction. He says, "If I reduce the rates and freights, then where is the money which is to be contributed to the general revenues." That is the point. As Sir Henry Gidney observed, it would seem that the Honourable the Railway Member and the Honourable the Finance Member who are sitting together are twins. It has been a sort of manipulating things between them. It has been suggested, "Look here, don't cry for the reduction of freights and fares. Otherwise you will have to bear more taxes." As a matter of fact, there is no guarantee that the Finance Member will not burden the general taxpayer with other taxes. Even if the fares and freights are reduced, whatever deficit there would be could be saddled on persons who are able to bear the burden such as the industrialists or the capitalists by way of certain other taxes. The reduction of fares and freights would go a long way to relieve the agriculturists.

Then, Sir, incidentally in connection with this question of freights I may mention that we cannot cherish the hope that food and fodder would be exempt from the freight that is at present enjoyed by them. It has been said in the speech

"We propose to continue the exemptions for food grains and fodder from the increased freight given last year, because so far as we can see, extra expenditure on staff will not be on a scale rendering it necessary to secure more revenue in that direction, but I would remind the House of the warning I gave last year that the maintenance of the exemption on food grains must depend on the demands made on us for the remuneration of our staff, and that the case for exemption of fodder is not so strong as it then was."

As an agriculturist, I can say that fodder is getting scarcer on account of the failure of the Jowar crops and other crops and it is necessary that fodder should continue to enjoy the same exemption. As regards food, he warns us indirectly that so far as war allowances are concerned or increments and promotions are concerned not to ask for them. He says "if you do, then I will take away the exemption which food and fodder now

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enjoy' I have to say the same thing about food which I have said in connection with fodder, because in many parts of the country, particularly in the parts from which I come, there has been failure of the crop of rice and jowar, and it would be necessary to carry food from one part of the province to other parts, and if this food is going to lose the exemption which it enjoys now, then the prices which are today prevailing in the market will go higher up and the poor man will again suffer. So I submit that food as well as the fodder should enjoy same exemption, whether demands are made on the Department as regards a war allowance or otherwise. One other thing I should like to mention in connection with these fares, viz., that there should be a reduction in the matter of the fares. I do not know—not being on any of the committees—whether there is no retrenchment possible in the matter of expenditure, and if that is possible, I should certainly like that the fares and the freights should both be reduced. As a matter of fact, we, the agriculturists, have been complaining so far year after year since the last two or three years that the freight which is put on goods, so far as cotton is concerned specially, should be reduced. Cotton growers enjoy no other facility, no subsidy to help them and therefore any little help from any Department of the Government would be welcome to them. I hope that this Department will be good enough to give them the necessary help.

Sir, we have heard much about the complaints about promotions of the staff. As one who represents a constituency which is not exclusively a Hindu constituency but a general constituency, that is, I represent the Europeans, the Anglo-Indians and everybody else, except the Muslims, I would suggest one thing to stop all this bickering in the matter of promotions. Give every community equal opportunities for training, but in the matter of promotion be very strict, and no promotion should be given except to the man who is efficient, otherwise it may lead to any amount of bickering and a good deal of unpleasantness and the heads of Departments would find it very difficult to manage these things. This is really a very salutary rule which the Heads of Departments should put before themselves irrespective of what one community does or threatens to do.

Mr. Lalchand Navarai: Without fear or favour

Mr. Govind V. Deshmukh: Of course, I am saying that, and if they have got a little bit of the Churchillian spirit in them, they have no reason to be afraid of anything. These are my observations on these points and I hope these will be considered.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division Non-Muhammadian Rural) Sir, the Honourable Member for Railways has read to us a report which gives only the figures which he has received as surplus for the Railways. In this report he has not dealt with either any policy regarding the management nor any other amenities he proposes for the railway staff. Sir, we expected that he would give us a better report than what he has given. Of course, during the last Budget speech he anticipated the present surplus because he knew the war was going on and there would be a brisker and a larger volume of transport for war demands and, consequently, he expected a surplus and he also anticipated that the

- customs would go down and consequently the railway surplus would have to be transferred to the general revenues, and we have nothing to say against that. Sir, we stand here as representatives of the people. Knowing that the surplus would come, he advocated an increase of rates and fares knowing that our people are really overtaxed and very poor, still, he insisted upon that and rightly has he helped the Government, but he has wronged the people. He has praised the railway staff for their loyal services, for their strenuous services even at the sacrifice of their advantages. Of course, the encomiums that fell from his lips may be some compensation for the labour but they come without any glimpse of hope for the future and they are not told what will be then reward in the future. He has not given a little suggestion about what he would do for them, and as he has done towards the Railway staff, so he has done towards labour, he has not done anything for either.

Sir, he has shown that the surplus is due to two causes, first, the war and, secondly, the prosperity of the people. Really speaking, the fact is that on account of the war and on account of the enhanced rates and fares he has reaped a good harvest, but with regard to the prosperity of the people, well, it is a matter of opinion. Are the people really prosperous? And on that account how much has he earned from the Railways. He has not shown in this report in detail. The apportionment of the surplus between the income he has got from the passengers, the income he has got from inland transport trade and from the war demand. I wish he had done it. In that case we could have come to understand what would be the position of railway finance if the war stopped. During the war, if the whole surplus should be absorbed either literally in money or as debited to the general revenues, through paper transaction, what would be the position of railway finance if the war stopped, Sir, we are in a very anomalous position. Our political party which formed the majority here are against the war. We want to co-operate with the Government so that the Nazis may not come to our country, as we do not desire such a change. But if for war effort the authorities go on squeezing the poor people, who starve from day to day, it would not be a desirable attitude on the part of the people in power. I would like that the Honourable the Railway Member should consider this aspect of the case and give up the idea of continuing these enhanced rates and fares. During the next Session, we would like him to restore the former rates and fares. The freights and fares are too high for our agriculturists and they cannot gain anything under the circumstances. If they earn something, they will have to pay quite a lot of it for enhanced rates and fares. The Honourable Member said "that deficits and surpluses alike depend largely upon factors outside the control of the Railway Administration." Scarcely it is true, but really speaking if a responsible officer were to calculate the assets and liabilities and take into consideration all the circumstances, I am sure, he would find out a formula by which he could pass over both good and evil days without resorting to abnormal taxation. Consequently, the Honourable Member might have avoided this increase in rates and fares if he had calculated them rightly.

The system of transport introduced by railways is based from the outset on wrong foundations. When the railways were conducted by companies, they did not care for economising. They never cared for economy, and extravagance was the characteristic of the railways under company

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management. But why should a State-managed railway follow the same principle of extravagance? On the floor of this House, we have been requesting the Honourable the Railway Member year after year to economise the expenses at the top. The Railway Board itself is an extravagance. If the Honourable Member really wants to save our poor people from taxation by increasing the rates and fares, he can do so by curtailing the expenses at the top. The top-heavy administration of railways is known to everybody and despite all efforts to bring this home to the Railway Member year after year, we have failed. Sir, we will go on dinning into the ears of the Honourable the Railway Member the facts that we find to be detrimental to the interests of the country, and it is for him to accept them or not.

Sir, we want that all the railways should be State-managed railways, expecting that the State would take steps for the amelioration of the people of India. The standard of the State-managed railways up-to-date has not been what we had been expecting. The difficulties of the third class passengers are being advocated here year after year and yet they go on the same way without making any improvement in that direction. This is disgraceful. It is the third class people who pay the major portion of the revenues of the railways so far as traffic is concerned and yet they remain neglected all the time. We hope that the Honourable Sir Andrew Clow will in his time do something to show that he has a heart to do it.

Sir, I have already spoken about freights and fares. Of course, during the war he may not find it possible to reduce them and he should keep in his mind that freights and fares should be reduced at the earliest possible moment. The railways are really meant for helping the agricultural people so that they may have an easy market for their raw produce. They are also meant to give facilities for the opening of new industries on places bordering on railway lines. The Railway Board should try to achieve these two objects and find ways and means from the funds at their disposal. We had our waterways which are all closed now and we have been accustomed to speedy forms of transport.

Sir, for a long time the Railway Administration has been showing a differential treatment in the case of services. Formerly it was confined between whites and blacks but now it has gone down to communities as well. We know that the Honourable the Railway Member has no bias for any racial discrimination. The Honourable Member is far from showing any racial discrimination. But if he is bound to do it, I would ask him to ensure the efficiency of the Railways first and foremost and he should keep this discrimination within limits. Public utility services like the posts, telegraphs and the railways should not be turned into profiteering concerns. If that is so, any profit making company might be given a chance to take the railways and manage them. The chief object of the railways should be to ameliorate the condition of the people and to give a fair deal both politically and economically. But now-a-days we find the railway has become a profiteering concern. This should be stopped. Sir, since the State has taken over the management of certain railways what profit or benefit have we got? Has the Railway Administration in any way improved the condition of the staff? Has it improved the condition of the passengers? We do not think that any improvement has been made.

on the lines or in the manufacture of locomotives. Of course, when the railways were Company-managed, no Indian was placed in any important post. But the case of the State-managed railway is different. This much can be said that in State-managed railways, some Indians are now placed in responsible posts such as Agents, but in the majority of cases, there is still the same distrust of Indians. The Railway Board should now try to Indianise the entire railway staff as best and as soon as they can. The time has come when Government should think of Indianising all the services. There is no dearth of competent Indians to fill all the posts in the public utility services creditably.

On the floor of the House, recently we had the sad experience regarding the ticketless travellers Bill and regarding the Resolution urging the appointment of a judicially-minded officer to hear appeals. Under ticketless travel there is only a 5 per cent loss to the railways and for this petty loss the Honourable Member has been trying to pass a Bill which we do not desire to be passed. Really speaking we have the experience of several cases of appeals which should have received greater attention. From the speech of the Honourable Member, I see that the Government have decided to take more railways under State-management. We welcome this and we also wish that all the State-managed railways should be brought under one control and under one law. Different laws are not desirable for different railways. It is better to have more meetings of the Advisory Council and of the Standing Finance Committee so that we, as representatives of the people might keep the people acquainted with what is going on from day to day in the railway administration and the railway system. That would give the people more chance to lay their grievances before the Railway Board so that there might not be difficulties for them to be solved.

Sir, in the report we have found one redeeming feature and that is this, viz., five per cent of coal surcharge has been reduced. Sir, that is not enough. My Honourable friend, Mr. Sundar Lal Dagn, has placed before me a telegram from the Marwari Chamber of Commerce requesting the Honourable Member for Railways to reduce the enhanced scale of rate on goods like linseed, jute, groundnut and cotton. The conditions of jute and cotton are very depressing. It is necessary that freights on these two goods should be curtailed at once. So, before the Honourable Member thinks of setting to work for the next year, I appeal to him to give his best consideration to the following. What freights he could reduce from which article. I do not say that freights could be reduced on all articles at a moment particularly at the time of the war. But these things which had a very good market before the war and which are now rotting should have a preferential treatment for reduction of fares. The Marwari Chamber of Commerce says that linseed, jute, groundnut and cotton are the four items which require special care.

Further, Sir, with regard to third class passengers and the improvement of the condition of the railway staff, we believe that the Honourable Member for Railways has always an open mind and I am sure that he will find that the improvements we have mentioned here cannot be prejudicial to his earning a surplus in the next year. He will have a surplus so long as the war is there and as such the inland trade should not be neglected. Those who are not able to export their goods and raw produce will rot here during the war. If this sort of passenger fares and

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freights continue it would not be of any benefit to the country. There are many other problems,—the traffic problem, the co-ordination of motor and rail traffic and various other things which require a good deal of consideration. And during the war we should give our best consideration to the problem as to how to make the railways an agent for the amelioration of agriculture and industry in India in future particularly just during and immediately after the war.

Lastly, the Railway Member has not taken care to tell us about the accidents that are happening on the railways. During the last three years there have been several accidents, particularly on the Eastern Bengal Railway and the East Indian Railway. Why should these be allowed to continue or even to happen at all? Often it is said that these are due to sabotage but inquiries showed that there was no sabotage but simply carelessness on the part of the railway administration. A little more care and caution would have saved these people and would have saved the railways from paying compensation. Lastly, I request the Honourable Member to find out how he can stop these accidents. If they keep the staff and labour discontented these things are bound to happen because they will feel reluctant to work hard. If they had happened on the Company lines we would not have spared the Companies. I request the Honourable Member to take these into consideration. He deserves our congratulations as regards the surplus but he would have deserved greater congratulations if he had provided better amenities for the staff and the third class passengers.

Dr P. N. Banerjee (Calcutta Suburbs Non-Muhammadian Urban)
Sir, a surplus in a budget, is always welcome and the present railway budget surplus is of a phenomenal nature. But it would be taking a superficial view of the matter if we were to regard this surplus with satisfaction. A surplus is a source of satisfaction when it is secured without any sacrifice on the part of the people. But how has this surplus been obtained? To use the words of the Railway Member, this surplus represents "a devastating sacrifice not merely of property but of life and welfare." This is not all. This surplus has been secured by means of additional taxation which has meant an additional burden on the shoulders of the poor people. Therefore, we cannot congratulate ourselves or the Honourable the Railway Member on the occurrence of this surplus.

It would have been a matter of real satisfaction to us if this surplus had been secured by measures of economy, but in his speech the Honourable Member did not indicate any measures of economy which he had taken or which he was contemplating. We, from this side of the House, have time after time been advocating measures of economy, but our words have fallen on deaf ears. Once again, I consider it my duty to urge the adoption of measures of economy. How can economy be secured in Railway Administration? It can be secured in many ways, in a large variety of ways, but I will mention only a few of the most important of these methods.

In the first place I think economy can be secured by means of Indianisation. I am one of those who hold the view that Indians, when appointed to higher posts, should be satisfied with lower scales of pay than Europeans. They are serving their own country and they should

not expect the same rates of pay as are expected by foreigners. Indianisation has, I admit, made some progress, but it has not yet gone far enough. So far as the gazetted posts are concerned, I find that at the present moment three fifths of these posts, roughly speaking, are held by Europeans and Anglo-Indians and only two-fifths are held by the children of the soil, including Hindus and Muslims. Now, I do not wish to raise a question of racial discrimination, but it is on the surface, and anybody can see it. The Anglo-Indians who represent a very small proportion of the population hold more than nine per cent of the gazetted posts. Then, again, as regards emoluments, the Europeans get their overseas allowances, whereas the Anglo-Indians get higher scales of pay.

Lieut.-Colonel Sir Henry Gidney: Only some of them.

Dr. P. N. Banerjee: Some of them.

Lieut.-Colonel Sir Henry Gidney: All Indians also get it all in the Telegraphs Department get it.

Dr. P. N. Banerjee: I am not on unfriendly terms with my Anglo-Indian friends, nor have I any quarrel with Europeans. But justice demands that all communities should have the same measure of fairness. This is the most important measure of economy which I suggest, namely, further Indianisation, and in this matter I should like to point out that so far as the highest posts are concerned the number of Indians appointed to these posts is still exceedingly small. Why is this so? Is no talent available in the country at all? No, that cannot be the reason. The reason must be found in the colour bar. My Honourable friend, Sir Henry Gidney, has spoken of nepotism and favouritism. I do not know whether the Honourable the Railway Member has any nephews in the Railway Department.

The Honourable Sir Andrew Olow: No.

Dr. P. N. Banerjee: I would not accuse him of nepotism. But I do know that nepotism exists in the railway service and favouritism also to a large extent prevails. That is an evil which should be rooted out.

Another measure of economy which I should like to suggest, and which I have suggested several times before in past years, is the amalgamation of railways. I am glad to find that the Honourable the Railway Member is prepared to amalgamate the Eastern Bengal Railway with the Assam Bengal Railway, which will shortly become a State railway. But he ought to go further and he ought to carry the policy of amalgamation to a much greater extent. I would strongly support the suggestion which was made by my Honourable friend, Sir Henry Gidney, that the East Indian Railway should be amalgamated with the Eastern Bengal Railway. This would save a very large amount of the overhead charges and would secure a great deal of economy in administration.

I will now touch upon some of the most unsatisfactory features of this Budget. To me it appears that the most unsatisfactory feature of this budget is the decision of the Honourable the Railway Member not

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to give up the surcharges on fares and freights levied last year. He himself admits that 6½ crores out of the surplus is due to the additional taxation which was levied, and still he is not prepared to do justice to those on whom this burden has fallen. My honourable friend says that it is satisfactory to find that the increased charges have not produced "the dire effects" that were apprehended by some critics. Does he mean to say that the raising of the rates and fares did not produce any adverse effect on the agriculture, trade and industry of the country? If he says that, I will say he is entirely mistaken. That is a wrong view of things to take.

Then, I come to the effect of the raising of the freights on the coal industry. All Members of this Assembly must have received telegrams from various parts of the country, particularly a telegram which was signed by the three associations connected with the coal industry—the Indian Mining Association, the Indian Mining Federation and the Indian Colliery Owners Association. These associations do not occupy the same position in the country as the Ticketless Travellers' Association to which my Honourable friend referred the other day. He spoke of such an association but he did not bring their representation out of his pocket. He left it in his pocket. But these associations are responsible bodies and their views must be treated with some courtesy and consideration.

The Honourable Member says that he gives to the general revenues a large portion of the surplus, that is to say, that part of the surplus which remains after accounting for the railway reserve and depreciation. I do not object to it. As a public man, it is my duty to help the Government, specially when it is in a state of war. But the Honourable the Railway Member looks at the question entirely from the point of view of the Government and refuses to consider the point of view of the people. That is not right. He must consider the interests of the Government as well as the interests of the people.

Another unsatisfactory feature of his statement is his decision with regard to the manufacture of broad-gauge locomotives. My Honourable friend says that it is on account of certain difficulties that he has been unable to begin the construction of locomotives. He says

"The heavy demands for skilled labour, machine tools and materials resulting from the immense expansion in the production of munitions and other military requirements made it out of the question to embark at this stage on a new large scale industry, and the workshop which we regarded as most suitable for the purpose has been completely turned over to war work."

Turn as many of your workshops to war work as possible, there is enough labour in this country, and skilled labour can be trained without much difficulty. In the course of a few months skilled labour can be trained in this country. Our labourers are intelligent, they possess strong commonsense, and it only takes a little training to fit them for this kind of work.

Sir, a third unsatisfactory feature of his statement relates to the dismantling of some of the Railways. He said that these Railways were unremunerative. When did the Honourable Member come to the conclusion that these Railways were unremunerative? If for many years

fast they have been unremunerative, they ought to have been dismantled long ago. These ought not to have been kept as a burden on the public of the country. Then he did not take any steps, and now he has suddenly come to the conclusion that these are unremunerative. Sir, the Railways, as he himself said, are there not merely for the purpose of yielding revenue to Government, but also for the purpose of rendering service to the community. Unfortunately, that aspect of the question has not been fully kept in mind. My friend told us that some of the Railways have already been dismantled, but the process of dismantling will not be continued further. Do I understand that the Kalukhali-Bhatipara Railway is going to be spared? Or is it going to be dismantled?

There are many other questions which time will not permit to discuss. But I can not help referring to the many grievances of the passengers which still exist. The grievances of third class passengers have been harped on from this side of the House time and again. I frankly admit that some of these grievances have been removed or mitigated, but many still remain, and it is incumbent on Government to remove them as soon as possible.

But in addition to the third class passengers some other classes of passengers have also their grievances. For instance, the berths in the second class compartments on the East Indian Railway are too narrow. Why should they be so? I have travelled on all the Railways in India, and I find that the East Indian Railway which was at one time regarded as the most satisfactory line to travel on has now ceased to be so. Under Company management it was good, under State-management it has deteriorated. It has not been able to keep pace with the advances made by the other Railways. The Bengal Nagpur Railway, for instance, provides much wider berths in the second class compartments. This is a matter which is worthy of the consideration of the Railway Department.

Sir, one previous speaker spoke about the time-table. I do not know how the time-table is prepared,—but I must say that parts of the time-table are prepared in a very thoughtless manner, and this is one cause of considerable loss of income to the Railway Department. I shall give you one instance. I hold in my hand a copy of the East Indian Railway time-table. I find there is one train, which is known as the Upper India Express. This train runs *via* Benares Cantonment and goes to Allahabad. The object of running this train *via* Benares Cantonment is to afford facilities to passengers who come from Calcutta and other places in Bengal to visit Benares, and also to those who wish to travel from Benares Cantonment to Allahabad and other places higher up. But this train reaches Benares Cantonment at two minutes past five, that is to say, very early in the morning. During winter passengers find it extremely difficult to get down at so early an hour. As regards those who want to board this train for coming to Upper India, what is the hour provided for them? Ten minutes past five. Is it feasible for any person to board this train during winter at ten minutes past five? It is exceedingly difficult. Then, I take the same train in its downward course. This train reaches Benares Cantonment after midnight, forty one minutes past midnight. Who will get down at this unearthly hour at Benares Cantonment? If I want to go from Delhi to Benares, can I avail myself of this train? And those persons who want to go to Hawrah and other places by this train will have to board this train at forty-seven minutes past midnight. There are

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many other vagaries in the time table. The preparation of the time-table, it appears to me, depends entirely on the whims of the authorities. That should not be so.

An Honourable Member: Of the clerk in charge

Dr. P. N. Banerjea: It may be a clerk or an Assistant in charge

I shall not detain the House by referring to various other matters, but I will say this, that I am profoundly disappointed at the attitude of the railway authorities in regard to the grievances of railway passengers. The other day I complimented the Honourable the Railway Member for his comparative reasonableness, but I soon found out that I was mistaken. The attitude which he took up soon after the speech made by me has convinced me that we cannot expect anything from the Treasury Benches. On the present occasion I express no hope, I make no appeal, for I know that my hopes would remain unfulfilled, and my appeal would fall on deaf ears. I simply place my views before this House for its consideration.

Mr. M. S. Aney: Sir, my friend, the Honourable Sir Andrew Clow, has placed before us a Budget with very big surpluses for all the three years under review,—I mean for the accounting year, the current year, as well as the year to come. He is one of those who can be appropriately described as a member born with a silver spoon in his mouth. He knows what was the fate of the Members who preceded him, and under what difficulties they had to prepare and present their Budgets before this House. From 1931-32 to 1939 practically, we had a series of lean years when we had to be content with deficit budgets. But since my Honourable friend took charge, he has been lucky and the whole situation has changed, and if he is to be congratulated it is only for this that in his regime an era of prosperity has been inaugurated. How far credit is to go to him is a different matter, but on this fact the House can congratulate itself that so far as the railways are concerned, an era of prosperity has been inaugurated along with his assuming the charge of this important and responsible post.

Though the Budget no doubt shows surpluses owing to the requirements that have become very urgent on account of this war, most of the surpluses have been practically utilised for war purposes by being given in the form of contribution to the general revenues. There are, however, certain other features of this Budget which are bound to cause a good deal of disappointment among the people. Most of my Honourable friends have made reference to some of these important features of the Budget but the points are of such consequence that I think they can bear repetition.

The peculiar feature of this Budget is this. Formerly, whenever a Budget was introduced, it was taken as a matter of pride and as a matter of congratulation by the Honourable Member introducing the Budget, to say, "This year our railway line has increased by so many miles." That used to be one of the features of the Budget speech of the Railway Member. If there was any increase in the mileage, that was mentioned, but, on the other hand, this year the most striking feature is that, instead of there

being any mention of increase in the mileage, the Honourable Member comes and tells us that 360 miles of the railway lines have been dismantled, and as some satisfaction or consolation to the other side, he has held out the hope that possibly this process of vandalism may not go on further. I have used the word "vandalism" deliberately, because I call a work that is constructed and is destroyed, whether it is done by the enemy or by the friend—the destruction of a good work is an act of vandalism. It means no reflection upon any particular individual. The Honourable Member came out with a story regarding this dismantling. The cause which he had given for dismantling so many miles of Indian railways was that there was an urgent demand for metal and it had to be shipped outside the country and therefore the thing was done. I regard this question as more serious. I know that there was a necessity which had to be looked up to, and there was a demand which had to be met in some form or another. I quite understood that position. I also concede the proposition that demands made on account of war have got a paramount importance also, it overrides other ordinary considerations. But there are points which I do wish to place before this House, whose importance, I believe, will be realised by the Honourable Members sitting on the Treasury Benches.

How have these lines come into existence? That is the first point. These lines or sections of lines which are being dismantled today have been constructed by the Railway Board after getting the vote of this House. That one fact is there. Lakhs of rupees were sanctioned by this House and a good deal of thought was given by the engineers and by others who were placed in charge of making estimates for those lines. On taking their word, and accepting the expert advice which they had given, the Railway Finance Committee, the Advisory Council and this House sanctioned amounts, and after the vote of this House was recorded, the lines were constructed and they were working for so many years. If there was any loss, or if there was any tendency on the part of those lines to show that they were unremunerative, the matter should have been brought to the notice of this House in one form or another long before. The conclusion that the lines were unremunerative should not have been sprung as a surprise upon the House for the sake of dismantling them without giving any notice to the people concerned or the Members who sanctioned the same. This involves in my opinion an important point of procedure and of constitutional importance also. If we were the persons to sanction those lines, it was necessary for the Railway Board to come before us and say that the lines being unremunerative should be dismantled—the Government could have certainly moved a Resolution. They had sufficient time for doing that. They should have brought forward a Resolution saying, "These are the considerations, this is the position, and for these reasons it is necessary that lines amounting to so many miles have to be dismantled." What prevented the Government from doing that?

Sir F. E. James (Madras European) They put it before the Central Advisory Council.

Mr. M. S. Aney: That was at my instance, I may take credit for that, but it was a belated effort, in my opinion. By that time notices had already been served upon the lines that were going to be dismantled. Adjournments were moved in this House. Some persons had tabled

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motions of adjournment as regards other lines also. That was the position. I am not quarrelling with the fact that a certain thing was done to help the war, that is not the point. But I say the rules of this House have been ignored in regard to the matter. If this House was responsible for sanctioning lakhs of rupees for constructing, who are the persons that should order dismantling? That is the point. The Railway Board claim that they have got the right to do that. The point with which I am quarrelling is that the Railway Board have no right to do it unless they get the sanction of this House. They cannot construct one mile of railway line without the vote of this House, they cannot destroy that line without bringing that to the notice of the House and getting its sanction. I deny the right of the Railway Board in this matter. My position is this. Merely because they happen to administer particular railways which are placed in their charge, they cannot claim the liberty to go and destroy anything in the name of the war on the ground that they were of unremunerative nature. That is a point which is of great importance, and this House would be remiss in its duty in not asserting its own position in this matter and not lodging an emphatic protest. I realise the importance of doing what India ought to do for the sake of helping in this war, but I will not tolerate a position in which the rights of this House are trampled upon in the name of war by anybody. Whether it is war or no war, you could have approached us here. We could have refused also, but you have got ultimately statutory authority to do the right thing whenever the vote of this House goes against you. You could have used that power, but the courtesy of coming up before this House was an essential thing, was legitimately and constitutionally the only correct procedure which the Honourable Member should have adopted in this matter.

Dr. P. N. Banerjee: They are devoid of courtesy.

Mr. M. S. Aney: Secondly, the excuse was given that the lines were unremunerative. Well, generally what is done is this. Somebody may say "You, Gentlemen, have been sitting in the Railway Standing Finance Committee. You have been associated with them as Members of the Central Advisory Council. You ought to know all these things even if they do not mention it but I believe my Honourable friend, Mr Stag, or the Honourable Mr Raper who are experts in railway matters and also my Honourable friend, Sir Andrew Clow, who is in charge of this department will certainly admit that when we get the accounts, we get the accounts for the whole line and not for sections. The results are placed before us of the working of the entire line and here certain sections have been singled out. This particular section is unremunerative. Now, it is rather a difficult calculation for a man to make whether this particular section should be declared remunerative or not and therefore ordinarily the members of the House who are the representatives associated with the working of the railway administration to some extent as members of the Railway Standing Finance Committee or members of the Central Advisory Council have no source to know what particular section of a particular line is working at a profit or at a loss. They have no source to know all that thing but if the position was so helpless that they thought it necessary to destroy them for some reason or other, then those committees should have been informed

in proper time by the Railway administrations concerned. They should have said "Certain portions of this railway line which is in our charge have proved wholly unremunerative for a number of years and therefore something must be done either to take measures with a view to make them more remunerative or completely destroy them and save the railway department from a dead loss." I had been serving on the Railway Standing Finance Committee from 1925 to 1929, and then, again, for the last two years I have been serving on that Committee, and I have got a fairly long experience of the work of the Standing Finance Committee. I do not presume much, if I say that I take a fairly intelligent interest or I consider I take a fairly intelligent interest in the working of that body. I only put it on that ground. Not more than that. During all this period, while we have been passing estimates sent to us from time to time by the Railway administrations, the Railway Standing Finance Committee has to go through the estimates once, twice or thrice before the close of the year and before the final estimates are prepared. During all this time, I have not seen any suggestion by any Railway agent that any section of the lines have not been working properly at all. Not only that. When we work as members of the local advisory committees, the question as to the profit and loss of any particular section of the line is never brought to their notice. So, the thing is that during all this period we have been kept in the dark, I do not say deliberately. They probably did not think that they should show a thing like that. But that was in their contemplation, as I shall be justified in assuming from some remarks made by the Honourable Member that in the case of a certain line—I do not want to name the particular line, the Railway Agent as well as those who worked as Agents and Managers before were unanimous in their opinion that that section cannot be made remunerative. That opinion was there with them for some time and it seems that they have studied the working of the different sections for some reason or other beforehand. If that was so, why were not those results placed before the committees, before the Railways jumped to the conclusion that so many lines should go or be dismantled?

Mr. L. C. Buss: Mistakes are difficult to admit.

Mr. M. S. Aney: But then a confession has to be made in spite of them and I believe that in the name of the war they want to wash away all the sins of the past and get the credit for having helped the war. That is the position. However, the third thing that I want to say in connection with this dismantling is this. There is great deal of dissatisfaction in the provinces and in those parts which have been affected by this act of dismantling. It has certainly caused serious dislocation to people engaged in trade and commerce in those parts. Then there is another thing which I want to bring to the notice of the Treasury Benches. Nothing has done more to create a wrong impression about the position of the people in England in regard to this war than this process of dismantling. The impression is that an alarming state of affairs prevails in England on account of Germany bombing that country and that it is because England is so short of war materials that lines are being dismantled in this country and taken away. You have no idea as to what kind of moral effect this action is likely to have on the people in the country. You are trying to establish a kind of censorship and have also issued instructions that German radio broadcasts should not be heard and all that sort of thing but you

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forget that your own action in dismantling the lines is creating a wrong impression as regards the position of England in connection with this war. People think that nothing could be manufactured in England. That is the prevailing idea. People think that everything is destroyed there and that factories are at a standstill and that they are practically helpless. That is the idea created and I may say that I thought it necessary to indicate this idea secretly to a very responsible member of the Government benches one day. I think it my duty to inform them, so that they may make some use of this suggestion when they come to deal with this problem hereafter. I mention that now. So, in my opinion it was a political blunder and it was an economic wrong and it was also a constitutionally inappropriate thing to do. On these three grounds I have to use very strong language against this act of what I characterised as vandalism on the part of the Railway Board in dismantling lines without notice and without sufficient time for the people to think as to how to meet the dislocation that might be caused. Leaving that thing, I now come to another point in this Budget which will cause a good deal of disappointment among third class passengers. Now, you know that the surpluses that we have got here now for all these three years under review, especially the surplus for this year, which comes to 14 crores and more is made up not purely of the revenues derived on account of the expansion of traffic in the country. It also reflects to a considerable extent the added revenue due to increased taxation. Now, this amounts to 6½ crores. This is what I gather from the Explanatory Memorandum where it is stated that as regards coaching expenses the increase of 1½ crores is attributable to the enhancement of rates and fares brought into force from 1st March, 1940, and then it is said that as regards the increase of goods earnings of 6½ crores, about 5 crores is attributable to the enhancement in rates brought into force from the 1st March, 1940. So it comes to 6½ crores. That is nearly half is due to the increased taxation. Now, Sir, we know that this increased revenue was contributed by the third class passengers and by those who had dealings in goods traffic. What is the attempt made by the Railway Board to return in some form or another, even a fraction of the increased earnings they have been able to make owing to this extra tax, to the third class passengers. It may be said—and the Honourable the Communications Member is a shrewd debater, he anticipated an objection to that effect and he has put it in this way that, “well, we have now here returned, in the form of a contribution to general revenues, so many crores and therefore that return of so many crores means that the requirements of the general Budget have been to that extent made up by these persons”, and, therefore, if there is any possibility of extra taxation by the Honourable the Finance Member,—who is nodding, I am a little apprehensive. I do not know what he means by nodding like that—but the Honourable the Communications Member thought, “I have saved you from that taxation to the tune of so many crores, that is, the amount returned by me by way of contribution to the general revenues” and he wants to take credit for that. I do not know whether new taxation is going to come up or not but if he is going to impose taxation upon me directly, I may be in a position to tell him, “you are taxing a man who cannot afford to bear that, if you want more money, there is another way of doing that, but if you wish to return it in some other form, why not give it in the way of a direct benefit to the people concerned?” The point which is being made by Members on this side is that

if that return must be shown in the form of some amount of reduction of the extra fare which is imposed upon them or in the form of some direct benefit conferred upon them by adding to their amenities, then that would be welcome

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

So long as that is not done, the position is the same whether you keep it in the Reserve or give them back. If you had kept it in reserve there would have been something in which the people would have been interested, because according to the convention, if the reserve is properly built up, then the proper building up of the reserves will go to the reduction of fares and freights. Now, the proper portion that should have gone to the Reserve is not allowed to go to the Reserve now. It means that the possibility of the Reserves being built up in such a way as to yield at one time or another a reduction in the rates and fares is also removed by the whole amount being handed over to the general revenues in the form of a contribution. That is the point which I want the Honourable Member to take note of. Sir, I may go back to the third point,—the dismantling was there, then the disappointment of third-class passengers is there, and there is one more thing, the disappointment, in my opinion the disheartening of the railway employees. I have been receiving telegrams from a number of persons whose cases I am not in a position to judge for myself but my Honourable friend, Mr. Lakshmi Narayan, has studied those cases of certain clerks on the N. W. Railway and the cases of certain Guards. It appears that for some reason or another the promotion of certain kinds of Guards in certain grades have been held up, while persons of the same status on other Railways have been able to get those promotions. Now, there are grievances there, and there may be grievances of many other employees also of a similar nature. Sir, I think that with the big surplus in the hand of the Honourable Member, he should have been in a position to find out how much of this could have been properly allocated by him to mitigating the grievances of employees in that direction. I do not mean to say that he should have spent the whole amount like that, but he could have seen that there are grievances in the matter of salaries, promotions, or allowances of the employees and with a big surplus like that in hand, it would not be justifiable for him to do nothing for them or to be silent. When these employees see that the Department has had a surplus enough and yet not even a few lakhs out of it are spared for the benefit of the employees, then their serious discontent deepens still further and it creates a situation the net result of which may be very dangerous even, if that discontent is allowed to grow more and more. At a time when we count upon the loyalty of every possible servant of the Railway Administration and particularly in an Administration which is carrying on the work of communications, which is of very great importance in the matter of the prosecution of the war, at a time like that, special attention should be given to those points which are causing a great deal of disappointment and disheartening and heart-burning amongst its own employees, and something should be done in my opinion to see that their legitimate grievances are not altogether ignored by the Railway Department, at least in times of affluence. So there is dismantling, disheartening and disappointment about all these things. Then I come down to another point. Sir, the most disappointing part from the point of view of the

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people was the reference which the Honourable the Communications Member made to the fact that he cannot proceed with the starting of a locomotive factory. I would not like to discuss the whole thing because many friends have referred to that before me but the reasons are certainly not very convincing. It is true that he has given us some reasons, viz, that it is difficult at this time according to him, to get the necessary plant and machinery. One workshop that was thought fit for this sort of thing is now wholly occupied by something else, viz, turning out munitions of war and so on. Sir, that may be so but I really do not see why our representatives who have been sent to America to carry on negotiations and to explore the possibilities of seeing how far they can be of some use to us in giving the necessary help from that country did not look into this point. In view of the difficulties of communications with other countries and so on, would it not have been possible for America if not for England to supply us the necessary plant and machinery for the sake of starting a workshop like that? And if not, why? That is what I want to know. If America has now undertaken the responsibility of supplying the most important things required for the sake of carrying on the war effectively in England and a serious effort is going to be made by that country to give every possible help to England, why should it have been difficult for America to supply a portion of the plant and machinery that would have enabled the Government of India to start that locomotive workshop? I really do not know the reason at least I have not heard of any reason which can satisfy me on this point. If there was a will, I think the Government of India should not have thought it very difficult to find some way, and they should have succeeded in doing that thing. Secondly, I submit, what is going to happen if the present war continues for some years? God forbid, it may not continue but that is not in your hands or my hands. One militarist theory suggests that our interests lie in seeing that the war should be prolonged as long as possible so that the enemy may be completely exhausted not so much by warfare as by the blockade. It is for the strategists to say who is right and for war mongers to talk about this matter, I leave the question there. My point is this that if the war continues for some time, how are you going to make up the deficiencies in your engines here, because you have not got a workshop here. Our lines are being dismantled now for the sake of the war. Are they going to be closed hereafter for want of engines? Is that the position the country is going to be reduced to? Sir, I would certainly run no risk. Apart from this, there is a third aspect also. I am told by those who understand these things, I am a lay-man, I am not an engineer at all, it takes a good deal of time for me to grasp when my Honourable friend, Mr Staig, sometimes introduces an engineer to explain certain technical points in the Committee. I listen, and I am satisfied, because somebody else is satisfied. I do not understand it myself. My friend understands it all right because he is an engineer and I take his word and we sanctioned the particular amount. Anyhow, I am given to understand by those who know this matter and who understand the technical affair that the locomotive industry is one of the key industries. I am also told that the locomotive workshops can easily be turned into munitions workshops also. They are of use for turning out war material also. I have heard like that and this opinion has come from reliable and expert engineers. If that is so, I would certainly urge upon the Government to

sit down and reconsider the whole position because I am sure nothing will be more disappointing to the whole of India than to hear that even on the second occasion when an attempt was being made, a promise was being held out and everything looked as if the thing was going to happen, a disappointing note has been struck in this House that nothing can be done hereafter so far as the locomotive industry is concerned. People will understand this as an unwillingness, a deliberate reluctance, on the part of the Government of India to do anything in this matter. That will be the impression created on the public. You must know the impression of the people very correctly so that you should be able to deal with it. You do not want the industrialisation of this country in the true sense of the word and you try to withhold the starting of the key industries as much as possible. Unless you find yourself helpless, you won't do anything of the kind.

Mr. President (The* Honourable Sir Abdul Rahim) The Honourable Member's time is up.

Mr. M. S. Aney: In that case, I will also wind up my remarks. I had some more points but I must leave them for another occasion. I will only say in conclusion that my Honourable friend is lucky and I hope his good luck will continue to guide the railway administration hereafter also. With good luck, let us hope, he will imbibe a sense of being liberal and just to the people, whose pockets are mainly touched whenever he gets a big surplus like the one he has got this year. With these remarks, I suggest that the House may proceed to consider the Budget.

The Honourable Sir Andrew Clow: Mr. President, I am sorry that the Honourable Member who opened this debate with an attack, not on the railway Budget but on a policy which he alleged I was pursuing, has not remained in the House to hear my reply. As I had no previous notice that this considered statement was going to be made, it is not possible for me to make an equally considered statement in reply. But I trust that he and the Honourable Members who sit with him, when they read my remarks, will appreciate that they are made with sincerity but without heat.

The attack related to the question of appointments. Appointments of two types were mentioned, appointments by recruitment and appointments by promotion. In the case of first appointments, Government have laid down in a well-known Resolution a considered policy designed to safeguard the interests of those communities which are not in the majority in this country. That policy is not my individual policy, it is a policy which was laid down before I became a Member of the Government. But it is a policy that it has been my constant endeavour to fulfil both in the letter and in the spirit. It was precisely with this object that, having heard many allegations that it was not being properly carried out by the Railways, I entrusted to an experienced and impartial officer a special enquiry into this matter. Subsequently, at the request of the certain members of the Muslim League Party, I attached a Muslim officer to assist him. I have heard nothing since to suggest that the facts elicited by Mr. DeSouza are incorrect and they appear to me to vindicate the manner in which I and my predecessors have pursued the policy laid down by Government as a whole.

Mr. M. S. Aney: May I ask if the report is available to the public?

The Honourable Sir Andrew Clow: Yes, all Members had a copy of it. Certain direct appointments were specifically mentioned this morning. A group of eleven direct appointments was mentioned. The explanation which Honourable Members will find in the Railway Board's report for the communal distribution of that group was not referred to, but I hope that Honourable Members will read it. They will find that these appointments were made on the recommendation of the Public Service Commission and they will find the reason why in the two vacancies that were reserved, Muslims were not appointed.

I do not propose to pursue that in detail because the real issue does not lie there. It lies in respect of the second class of appointments and those are appointments by promotion. On this subject we had a vigorous debate in this House during the last Railway Budget and it ended in a division, a division which I claim endorsed the policy that Government have pursued of making promotions without fear and without favour. On this point, I and the Honourable Members of the Central Muslim Party admittedly do not see eye to eye, but the policy pursued in that respect is not my policy. It is a policy pursued in every Department and by every Member of Government and it represents the policy of Government as a whole. So long as it is our principle to make promotions by merit, so long I shall regard it as my duty to see that every man serving under me of whatever caste, creed or community has a fair chance and an equal chance of succeeding to those posts for which he is eligible and qualified.

Let me turn now to the remarks made by other speakers. Sardar Sant Singh referred to a certain Resolution of the Home Department regarding the minimum pay in the early years of service for certain grades of Anglo-Indians. That is not a policy formulated in the Railway Board or for reasons that are in any way peculiar to the railways. It has been fully explained in the Home Department Resolution and I do not feel it would be proper for me in this debate to enter into any defence of it. He asked why I have permitted myself to be put into such a position of having to make this allowance. Well, the answer is that a certain Act known as the Government of India Act came into force and the policy was taken in pursuance of a specific provision of that Act.

Sardar Sant Singh: My complaint was that your predecessor in 1936, after the Government of India Act had come into force, made a statement on the floor of the House that he would never permit such a thing to happen.

The Honourable Sir Andrew Clow: He went on to deal with one of his favourite subjects, that of the Railway guards, in which he takes a keen interest. I was glad that he acknowledged that something has been done in this direction.

Dr. P. N. Banerjee: Are these guards white or black?

The Honourable Sir Andrew Clow: These are Indian guards mostly on the North-Western Railway. Actually I have looked into the matter personally since then with considerable care and I am afraid the conclusion

that I came to was that both he and I have been subject to a process known as leg-pulling, because I think both have been led to the impression that these various grades were grades through which men went up by promotion. These old grades were not, they were based on the principle we have discarded of racial discrimination. In the past there was little or no promotion from one grade to another. Now, we have changed that and we have opened the field for promotion between the different grades. In addition, last year we created a few new appointments.

I was glad to hear from my Honourable friend, Mr. Buss, an appreciation of the policy we are pursuing in respect of depreciation, and value that particularly coming from a Leader of a Group who is probably more acquainted with big business than any other Group in this House. He invited me to say something about dearness allowance, but I do not propose to enter on that field at present. As he probably knows we are discussing this matter in the All-India Railwaymen's Federation and I feel that public interest would best be served if I say nothing until these negotiations are complete. He also urged me to even greater efforts in munitions production in railway workshops. There, of course, we are dependent on the demand made upon us by the defence authorities, but I can assure him that we shall do our best in every way we can to meet all the demands that may be made.

My Honourable friend, Sir Abdul Halim Ghuznavi, as usual, came to his favourite subject of coal. I am afraid that, looked at from the commercial point of view, this is not the time to reduce coal rates. If I view the railways purely as a commercial concern, I should regard this as a very good time to enhance the rates. Coal industry has had extraordinary good exports and I do not think it is in a languishing condition and although we are giving some relief, that relief is given for a specific purpose. Sir Abdul Halim Ghuznavi said that he did not want to collect coal or he could not collect coal during the summer. Well, Sir, our object is to try and encourage those who can to make demands on us for coal wagons during the season when we are most easily able to supply them, and thereby to release wagons for those who have more urgent needs during winter when the demands tend to be high.

I was sorry to see him led astray by a publication which I, along with other Honourable Members have received from an institution called the Dewan Chand Political Information Bureau. It certainly is political information. He quoted a statement attributed to Sir Charles Innes. But he did not look at the original speech, or he would have found that the gentleman in charge of this Bureau had extracted statements from three different places in a very long speech and had combined those statements without any reference to the background of the speech or the general tenor of the speech. He thus conveyed the impression to Sir Abdul Halim Ghuznavi that Sir Charles Innes was an advocate of buying up every railway as it fell due. I am only going to quote one passage from the same speech of Sir Charles Innes and this is a quotation read consecutively and not taken from different places. This is a quotation as it stands from the speech.

"I am not making a statement of policy. I do not wish it to be implied that we are adopting this course because we are convinced that State management is the best form of management for India. On the contrary many of us view the prospect that all our railways should be brought under direct State management with the grave concern. Let me repeat what I have already said before, namely, that

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experience does show that the State does not and cannot manage railways more efficiently, more economically or with greater comfort to passengers or with quicker despatch of freight than company railways. And though we do not propose that all State Railways should immediately be handed over to companies, we think that it will be necessary to maintain a substantial portion of our railway system under company management. We desire to adopt the course I have indicated in regard to the East Indian and the Great Indian Peninsula Railways solely for practical reasons."

I do not put that forward as an argument, or say whether it represents my own views or not. I merely quote it to show that there can be no question of calling Sir Charles Innes as a witness to prove that Government adhered to the policy of buying up Company railways whenever they fell due irrespective of circumstances. Sir Abdul Halim Ghaznavi referred to our failure to purchase the Assam Bengal railway in 1931 and said that was merely because there was no money. But I suppose money could have been raised if we were willing to pay a rate of interest high enough. That simply was a case where Government came to the conclusion that in the circumstances the railway should not be purchased. Now, in very different circumstances we have come to the opposite conclusion.

Then, my Honourable friend, Sir Henry Gidney, dealt with a number of points. I am afraid I cannot deal with all of them today, but I will try to deal with a few of them. He raised one point of importance which other speakers re-echoed and that was the question of locomotive construction. He seemed to think that it would be quite a simple matter for us to start off on this work now. He did not seem to appreciate the actual situation that confronts us. There are difficulties in respect of men, there are difficulties in respect of men, of tools, of materials. As regards men, my Honourable friend, Dr Banerjee, said at a later stage it was quite a simple matter to train skilled labour for the purpose.

Dr. P. N. Banerjee: I said "without much difficulty."

The Honourable Sir Andrew Clow: It is not a simple matter at all as Honourable Members who are acquainted with industry know. My Honourable Colleague to my right is doing his very best to collect all the technical labour in India to meet the purposes which both he and I regard as more urgent than this, and he is not altogether successful in those attempts. I have here a copy of yesterday's *Times of India* in which the Chairman of the Tribunal in Bombay after considering the applications has had to put a second strongly worded appeal for men to come forward. The fact is that we have suffered in India for years past from a shortage of technical labour. We are doing our very best to get all the technical labour we can now and to apply it where the need is greatest. It is my belief and hope that these efforts which are being made by the Labour Department for other Departments will leave us after the war in a far better position as regards this most important element in manufacture.

As regards materials, I think Sir Henry Gidney said that the steel industry was not pre-occupied in this country and that it is pre-occupied in England. I did not catch him properly. In any case, I am revealing no secret when I say that the steel industry is very much pre-occupied in this country and that for even things we want very urgently such as rails we have great difficulty in getting them simply because the industry is so fully occupied with other and more urgent things.

Leut.-Colonel Sir Henry Gidney: I said you could not get them in England just now, England being pre-occupied with their needs

The Honourable Sir Andrew Clow: I do not think we are going to get them from anywhere at the moment. A good many of the materials that we require, as Sir Henry Gidney rightly pointed out have to be imported, particularly, elements involving acid steel. There again I hope the war will bring at least this benefit of improving our position because our steel factories are taking up and will take up increasingly the manufacture of materials which formerly we were obliged to import. Mr. Aney asked what we would do about locomotives. I admit it is a very difficult question. I see no alternative at present but to let the machine run down a little. But I would point out that the more our locomotives become obsolete the better our position will be for embarking on an enterprise such as this as soon as the war makes it possible for us to do so.

I will not follow Sir Henry Gidney into his long speech on the subject of a certain appointment in a Company railway. I know he feels strongly on the subject but it is an appointment over which I have no control. I was a little surprised, however, to hear him refer to nepotism in connection with some other medical appointment. I have no nephew that I know of in India and I do not know whose nephew was appointed, but if he will give me the particulars I shall look into them.

Sardar Sant Singh also referred to nepotism in appointments,—those of guards. That is the only allegation that has been made of unfairness in making subordinate appointments, and it is significant that the allegation of unfairness is, I think, based on the fact that a large number of Muslims were appointed.

Sardar Sant Singh: I referred to unfairness in the matter of promotion of these guards.

The Honourable Sir Andrew Clow. Precisely. We recruited some directly and others were taken by the Selection Committee, but it is quite a gratuitous assumption that simply because in that particular group there were a large number of Muslims, therefore, favouritism was done. As I explained to the House in answer to a question earlier, it simply so happened that that these men were on the top of the list and lower down there was a considerable number of members of the majority community.

Sardar Sant Singh: If the Honourable Member sends for the list he will find that persons have been promoted whose career and antecedents were very badly reported upon by their officers and those who had absolutely no bad remarks in their service books have been left over although they were senior. That is my charge.

The Honourable Sir Andrew Clow: Then Mr. Lalchand Navalrai seemed to think that I was in some way to blame for the action of the Muslim League Party this morning because we had issued the Circular of 1934, and he has made a strong appeal to me to withdraw that Circular.

Mr. Lalchand Navalrai: I feel strongly upon it.

The Honourable Sir Andrew Clow: The Honourable Member may feel it strongly but it is regarded, I am quite sure, both by the Muslims and other minorities as a very important safeguard and privilege, and I would point out that it does not involve, as promotions would, any discrimination between persons who are in the service. Then after a very brief reference to his beloved province of Sind he raised the question of first-grade clerks. I have received, during the last few days, a large number of telegrams from various corners of the Punjab couched in curiously identical language suggesting that someone whose energy at least entitles him to promotion has been showing vigour in this direction. It is a very complicated subject, I have studied it myself with considerable care but I have really no time to enter into details in a speech such as this. But if the Honourable Member will give me an opportunity during the Demands for Grants I shall try to deal with it in a more adequate fashion. I will only say now, that the proposal to amalgamate was turned down because there appeared to be no grounds for amalgamation at all and that the demand was based on an analogy with another set of clerks where in our view no true analogy existed.

Then, Mr Deshmukh referred to my reference to increased prosperity among the masses and denied that there was any evidence of that at all. I cannot personally find any other explanation of the fact that our passenger traffic has gone up by the amount it has. One prominent Congress paper ingeniously suggested that it must be due to the large troop movements. I had the troop movements separately extracted and I can assure him that in this direction that factor is extremely small indeed. There has been a substantial increase in the travelling of third class passengers right throughout the country, and I can attribute that to no other factor but that there must be a little more money in the pockets of the masses. Actually, as the Honourable Member recognised, we did not put up the rates on food-grains or on fodder, partly with a view to benefiting those agriculturists, and although I did repeat this year the warning as regards food-grains which I made in my previous speech last year, I think the Honourable Member can feel that there is no more chance of its being put up at present than there was at this time last year.

Mr Chattopadhyaya in a thoughtful speech said that my Budget had helped the Government, but had wronged the people. I am afraid he is still labouring under that unfortunate conception, derived from long years when the people had no say in Government, that Government is something entirely separate from the people, and has a money bag of its own from which it can be generous and extravagant or mean as it likes. Actually that is a delusion. The money we spend is your money, the money we save is your money, and if money comes in to help Government it only means that the people in another form get it.

An Honourable Member: We have no hand in the spending of the money.

The Honourable Sir Andrew Clow: I am quite sure that if there had been no surplus this year, my Honourable friend would have found that the people were in a very much worse position when the Finance Member introduced the general Budget.

He asked me what the position would be if the war stopped, and complained that I did not give figures to show how far we were depending on

military traffic. Of course, I could, if it were judicious, give the actual figures for military traffic but that would not really be in answer to his question, because the position in which the railways will be after the war ends will depend on an immense number of indirect figures. The whole military activity throws its influence into such a lot of directions that it will be quite impossible for me to say where we would stand after the war ends. There is no doubt at all that we and all nations will face a position of great difficulty after this distinctly artificial stimulus is removed, and it is with a view to meeting that difficulty that we are trying, on ever so small a scale to have something in hand so that we shall not be compelled to add to the difficulties of the public at that time.

He referred, but I think with a little less force than usual to the top-heavy administration. I could say a great deal on that subject.

5 P M I do not myself regard the administration as top-heavy. But I know there are Members who feel strongly in this House on the great divergences of pay between those at the top and those at the bottom, and feel that we should move towards a more equalitarian system. I agree with that view, but I would point out that it has to be done by the country as a whole. Professor Banerjee suggested that Indian Officers as they replaced Europeans might be content with comparatively lower scales of pay, but I have to remind him that we are competing in the field for the talent available, and if our best Indian brains found that the pay we were offering and the prospects we were offering were very much below those offered by big business or in other directions, then we should undoubtedly be left with second-rate talent. Our hands are—I will not say forced—but our steps are guided at any rate by the rates of pay prevailing outside the railways, and having seen something of the railways in other parts of the world, I think I can safely say that the remuneration given to those at the top of this immense system—I think the biggest system in the world under a unified control—compares very favourably, high as it may seem to some, with the rates given to those in other parts of the world. This is not a matter in which we are isolated as it were, and I do not believe that in present circumstances the bringing in of Indian Officers on very low rates of pay

Dr. P. N. Banerjee: I did not say very low.

The Honourable Sir Andrew Olow: On rates of pay very much lower than those which prevail at present, would be conducive to the interests of the railways at all. We could get the officers, I have no doubt, but we would not get the best, and I am quite sure that if we happened to get good ones, we would not be able to keep them.

Prof. Banerjee recurred to the song—not a new song I think—of economy, and the main element in his plea for economy was this plea for lower rates of pay with which I have already dealt. But he suggested also that large or substantial economies could be found in the amalgamation of railways. We have looked into this matter in connection with our intention to put the Eastern Bengal Railway and the Assam Bengal Railway under one control. We have found there that, though we are dealing with two rather small railways which necessarily have higher overhead charges than a bigger railway, the economies we can effect are comparatively small, and I am quite sure that if we were to amalgamate those

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railways as he suggested, with the East Indian Railway, we should be taking a step which would have very unfortunate consequences. I may say that on the experience that I have had of railways so far, I am fairly sure that the railways of the size of the East Indian Railway are on the whole too large for completely efficient management. The strain put, in a railway like the East Indian or the North Western, on the men at the top is very great. I believe that railways of the size of the Great Indian Peninsula Railway are better fitted to work under the conditions in this country. To amalgamate the East Indian—an immense system—with the Eastern Bengal Railway would be a step making not for efficiency but for inefficiency.

Then, Mr Aney concluded the debate by dealing with some interesting subjects. I wish I could follow him along all of them,—but I was not entirely clear as to the conclusions to be drawn from the observations he gave us on the subject of taxation. I was not clear, for example, whether he thought that the debt owed by the railways to general revenues should be wiped out or not. Actually, all that is being done this year is to give general revenues the amount which they are due to receive under the convention, to accelerate by one year a further amount which they are due to receive and to pay back a sum estimated as in the neighbourhood of three crores of rupees of debt which we owe. I have made certain observations on that debt in another connection, but I do not feel that this is the time when one could reasonably refuse to repay a small part.

He also referred at greater length to the subject of dismantling lines. One question which I was asked both by him and by the Member who spoke earlier—I think Sir Abdul Halim Ghuznavi—was this, that if these lines were unremunerative why did we not dismantle them earlier and why they were kept on without being closed. There are two answers to that question. In the first place, we do not exist entirely for economy, we exist for service and we are always reluctant to dismantle a line even if it happens to be showing a small loss. We cannot provide lines throughout the length and breadth of the country but we try to run where we reasonably can. Mr Aney complained that it used to be a subject of pride that we had increased our mileage. But I am not sure whether those days have not gone, because since those days we have had a very powerful competitor in the field. But another reason is that, as I said in my Budget speech, most of these lines are comparatively recent. I think out of the 18 lines mentioned, 13 dated from 1928 to 1932 those were designed in a period when men's minds were in a somewhat expansive state. Now, you cannot really tell whether a line is going to be remunerative or not,—in the early years of its existence. We do place on the table of the House, so that the House can watch their progress, periodical statements showing the return we are getting on lines recently opened, and so we do not keep the public in the dark. There are other lines which we believe to be unremunerative that we are still keeping going for the present, for the same reason.

I am sorry, and I think Mr Aney has some ground for complaint that it was possible to say so little to the House at the time when the first notice, for dismantling the lines, was issued. I was not even in a position to say that they were going overseas. I think that my Honourable friend will appreciate that in these days a debate would have been extremely

difficult on the floor of the House. I did my best to take the Central Advisory Council later into our confidence, and I shall try to keep them in touch with any developments. In the meantime, developments have been in the opposite direction from that which we anticipated, for owing to a further change in the situation we have cancelled the notice given to one out of the last of the nine lines which I mentioned in my Budget speech—that is the line from Kut-el-Amara to Fort Abbas. As regards the Kulukhali Bhatnagara Railway regarding which I was asked some questions, I may say that while one can never foresee the changes in the war with any accuracy, the prospect of that line being dismantled in the near future is in my view remote. If further demands were made on us for rails of this particular kind, we should naturally be disposed to turn first to that ninth line, a fairly long one, which has had a reprieve within the last few days.

Mr. M. S. Aney: While most of the lines which have been dismantled are broad gauge lines, it is only one line which is narrow gauge. If they wanted a particular type of rail, how is it that that narrow gauge rail also suited them?

The Honourable Sir Andrew Clow: The question of rails does not depend on the gauge, but on the weight.

Mr. M. S. Aney: I cannot understand how the narrow gauge would suit them if they wanted only broad gauge lines.

The Honourable Sir Andrew Clow: It is possible to use rails of a particular gauge on another gauge, but the question is whether the rails are of the right strength and type. Well, Sir, I have gone on beyond the time at which we usually adjourn.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member has not completed his time.

The Honourable Sir Andrew Clow: But I am unwilling to keep the House longer at this late hour. I shall doubtless have opportunities of going more fully into some of the points over which I have had to slide somewhat inadequately in this speech, but meantime I would merely thank Honourable Members for the appreciative remarks they have made and for the patient hearing they have given.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 25th February, 1941.

LEGISLATIVE ASSEMBLY

Tuesday, 25th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

CONTRACT WITH BALLABHDAS ESWARDAS OF HOWRAH ALLOWING CONCESSIONS TO RAILWAY STAFF

124. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state

- (a) the terms of the contract under which Ballabhdas Eswardas of 12 Cullen Place, Howrah agreed with the Railway Administrations to serve the railway servants and relatives of their staff either free or on a rate lower than the rates fixed by the Railway Administrations, and
- (b) the term of the agreement under which Ballabhdas Eswardas is permitted to allow concessions to Railway staff over and above the rates fixed by the Railway Administrations?

The Honourable Sir Andrew Clow: (a) and (b) I understand that Messrs Ballabhdas's agreement with the East Indian Railway for working the Indian restaurant cars contains a provision that the licensees shall supply employees of the Administration with meals at special rates as may be approved of by the Administration but that there is no such provision in their agreement for the working of Indian refreshment rooms, tea stalls, etc

Mr. Lalchand Navalrai: May I know whether they give any concessions over and above what is prescribed by the Government?

The Honourable Sir Andrew Clow: I have no information of any such concessions

RATES FOR AERATED WATERS ON THE EAST INDIAN RAILWAY.

125. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the difference in rates for aerated waters sold at refreshment rooms by Messrs Kellner and Company and by Ballabhdas Eswardas and where the rates could be found prescribed by the Railway Administrations of the East Indian Railway?

The Honourable Sir Andrew Clow: I understand that there is now no difference in the rates charged by the two firms, and that the rates shown

in the current issue of the East Indian Railway Time Table and Guide, page 200, paragraph 18, will be amended in the next issue which will also incorporate the rates for aerated waters in paragraph 17

Mr. Lalchand Navalrai: Do they supply the same kind of aerated waters, that is, of the same quality, or there is a difference?

The Honourable Sir Andrew Clow: I believe that Messrs Ballabhdas have entered into some arrangements to obtain their supplies from Messrs Kellners

**FIXATION OF RATES FOR ARTICLES NOT INCLUDED IN THE PRESCRIBED RATE
LISTS FOR BALLABHDAS ESWARDAS CONTRACTOR**

126. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the authority in power who is competent to fix the rates for selling of preparations and of articles not included in the rate lists prescribed by the Railway Administration for contracts held by Ballabhdas Eswardas and how it can be ascertained that the rate charged is prescribed by the competent authority?

The Honourable Sir Andrew Clow. The Administration fixes the rates for all articles in general demand which a contractor must offer for sale, these are entered on the tariffs. If customers ask for articles not included on the tariffs, and against the sale of which there is no prohibition by the terms of the agreement, a contractor would not be prevented from selling them if they were available. Prices in such cases are not prescribed by the Administration

Mr. Lalchand Navalrai: Why has not the Administration prescribed also for those that are not provided for, so that he may not charge excessively?

The Honourable Sir Andrew Clow: You cannot provide for everything. Men's tastes are almost unlimited

Mr. Lalchand Navalrai: At least those that are known to the Government?

The Honourable Sir Andrew Clow: I have said that articles in general demand are included in the tariff

Dr. Sir Ziauddin Ahmad: What is the meaning of "railway administration"? Does it mean the General Manager, or the Divisional Superintendent, or the Commercial Manager?

The Honourable Sir Andrew Clow: The meaning is defined in the Indian Railways Act

Dr. Sir Ziauddin Ahmad: But in this case who is the proper authority?

The Honourable Sir Andrew Clow: I cannot say, Sir. The General Manager is generally responsible, of course, for all orders issued

CONTRACT WITH BALLABHDAS ESWARDAS IN RESPECT OF DELHI STATION.

127. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state

- (a) whether it is a fact that Ballabhdas Eswardas was given the contract for service and supply to Hindu travelling public at Delhi main station on the North Western Railway for a term of three years in 1937,
- (b) what was the amount agreed upon to be paid by Ballabhdas Eswardas to the North Western Railway and how it was recovered,
- (c) the term of the agreement under which the Railway Administration is permitted to forego the amount agreed upon or any portion of that amount, and to lay on the table the said agreement as executed by the Railway Administration and by Ballabhdas Eswardas,
- (d) the terms upon which the contract was renewed after expiry of the original contract, and
- (e) the particulars of the rent charged from Ballabhdas Eswardas including the licence fees from each hawker employed by him?

The Honourable Sir Andrew Clow: (a) Yes

(b) and (c) Rs 7,025 per annum This was recovered for the first two years, 1937 and 1938 The recovery for the third year was withheld provisionally but the contractor has now been called on to pay the amount due Now that the policy of recovering an economic rent has been decided on I understand the contractor is being ordered to pay rental for accommodation, ground rent for stalls and salesmen's fees I do not propose to lay the agreement on the table but it may be inspected in the Railway Board's office if any Honourable Member so desires

(d) The agreement was renewed on the terms and conditions contained in the previous agreement subject to certain stipulations which may be seen in the Railway Board's office if any Honourable Member so desires

(e) I have not the particulars asked for but understand that the basis of the rents and license fees will be as follows Nine per cent per annum on the capital cost for buildings, Rs 2 per stall per month and Rs 2 per salesman per month

Mr. M. S. Aney: May I just ask, why it is that the Honourable Member does not want to disclose the special modifications that have been introduced in the terms of agreement and wants Honourable Members to go to the Railway Board's office and look into the agreement?

The Honourable Sir Andrew Clow: There is nothing confidential about them, but I do not think that it is desirable that individual contracts of this kind should be incorporated in the proceedings of this House

Mr. M. S. Aney: Am I to understand that it is the policy of the Government not to disclose terms of individual contracts on the floor of the House?

The Honourable Sir Andrew Clow: Not to lay them on the table. They are perfectly open to inspection by Honourable Members of the House.

Dr. Sir Ziauddin Ahmad: The phrase "economic rate" does not appear clear to me at any rate. Does the phrase mean a percentage of the profit, or does it mean, according to the services rendered by the railway administration?

The Honourable Sir Andrew Clow: I am afraid I cannot define the term further. That was the word, I think, used by the Central Advisory Council, and they must have known what they intended by that term.

Mr. Muhammad Nauman. Is there any principle regarding the hawkers' license fees charged by the contractors, fixed by the railway administration, or is it left to the sweet will of the contractor?

The Honourable Sir Andrew Clow: If the Honourable Member is referring to salesmen, I indicated at the end of my reply that in this case the fee will be Rs 2 per salesman per month.

Mr. M. S. Aney: May I ask the Honourable Member who is the authority for defining any terms used by the Central Advisory Council in their resolutions, if there is any doubt regarding them, if not, the Chairman of the Central Advisory Council?

The Honourable Sir Andrew Clow: The duty of interpreting the terms used by the Central Advisory Council rests with themselves and the duty of interpreting orders of the Railway Board based on those proceedings naturally rests with the authority issuing the order.

Maulvi Muhammad Abdul Ghani: What is the amount of economic rent fixed in the contract?

The Honourable Sir Andrew Clow: I give the general basis of the rates and the license fees in the answer to part (e) of the question. If the Honourable Member will kindly refer to the answer he will get the rates and the license fees.

Dr. Sir Ziauddin Ahmad: Will the Honourable Member give us the exact amounts which these persons ought to pay so that we can judge if they are paying proper rents and whether in our opinion it is an economic rent?

The Honourable Sir Andrew Clow: I do not think that giving the exact amounts that they paid would help the Honourable Member unless he knew the accommodation provided.

RENT RECOVERED FROM BALLABHDAS ESWARDAS FOR OCCUPATION OF BUILDINGS ON CERTAIN RAILWAYS

128. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state the particulars of railway buildings or portion of those buildings occupied by Ballabhdas Eswardas on the East Indian,

Great Indian Peninsula and the North Western Railways and the amount of rent recovered from him for each building or portion thereof and, if no rent is recovered the reasons therefor?

The Honourable Sir Andrew Olow: I regret I have not the detailed information asked for. As regards the North Western Railway, I would refer the Honourable Member to the reply just given to part (e) of his starred question No. 127. On the East Indian Railway, rent is recovered for all the accommodation provided and this amounts to Rs. 294-7-9 per mensem. On the Great Indian Peninsula Railway, a total of Rs. 646 per mensem is recovered from this contractor, part of which is on account of rentals.

COMPLAINTS AGAINST THE URDU LANGUAGE AS USED IN ALL-INDIA RADIO BROADCASTS

†129 ***Mr Muhammad Azhar Ali:** Will the Honourable the Communications Member please state

- (a) whether he is aware that the broadcasts from the All-India Radio Stations in so called Urdu contain many bombastic words of Sanskrit and Bhasha which make it unintelligible to the majority of Indians,
- (b) whether he has noticed the tendency on the part of the All-India Radio to substitute obsolete Sanskrit and very uncommon Bhasha expressions for very popular and well-known Urdu words which make the broadcasts unnecessarily lengthy and remote from apprehension,
- (c) whether he is aware that this policy of the All-India Radio has elicited a country-wide agitation,
- (d) whether he is aware that the Sanskritised Urdu used on radio has been dubbed by very prominent Urdu scholars as *Jinnati* language, i.e., language of goblins,
- (e) whether it is not the duty of Government to make Urdu which is the most understood language in India, as the *lingua franca* here,
- (f) whether Government have tried to make Urdu popular amongst
- (g) if not, whether Government are justified in striking at the root of a well-established language by offending against the set idioms and expressions of Urdu, and
- (h) whether Government propose to direct the All-India Radio Department not to spoil Urdu by introducing unfamiliar words instead of familiar ones?

The Honourable Sir Andrew Olow: (a), (b), (d), (e) and (f) No

(c) I am aware that there are complaints both from advocates of Urdu and Hindi about the language used by All-India Radio

(g) I have repeatedly stated in this House that the aim of All-India Radio is to use a vocabulary in its news bulletins which is understood by the largest number of listeners. Talks in Urdu and Hindi are frequently given from All-India Radio stations and there can be no question of the All-India Radio wishing to undermine either of these languages

(h) No, Sir This is quite unnecessary for the reason I have just explained

APPOINTMENT OF MUSLIMS AS STAFF OFFICERS ON RAILWAYS.

130. *Dr. Sir Ziauddin Ahmad (on behalf of Nawab Siddique Ali Khan) (a) Will the Honourable the Railway Member please state whether it is a fact that in their letter No 3966-E, dated 2nd November, 1931, the Railway Board stated that one of the undertakings given on behalf of Government in February 1931 to a deputation of the Muslim Members of the Central Legislature was "that the suggestion regarding the appointments of two Muslim officers as Deputy Agents Personnel would be considered"

(b) Is it a fact that, in connection with this undertaking, it was stated under the heading "action taken" that as the posts of Deputy Agents Personnel are filled by selection from officers with experience in staff or establishment work, the solution lies in the appointments of Muslims as staff officers from where they can work their way up to the Deputy Agent Personnel?

(c) Were any Muslims appointed on staff or establishment work so as to give them the necessary training to work their way up to the post of Deputy Agent Personnel in accordance with this undertaking? If not, why not?

(d) If the answer to part (c) above be in the affirmative, what are the names of those officers? What promotions have been given to these officers during the last ten years? When will these officers be appointed as Deputy Agents Personnel?

The Honourable Sir Andrew Olow: (a) and (b) Yes

(c) Muslim officers have been appointed to the Personnel Branch from time to time so that their claims could be considered for posts of Deputy General Manager, Personnel, when they otherwise became eligible for such promotions

(d) About 32 Muslim officers have held Personnel posts since 1931, I do not propose to lay the names on the table These officers have been considered in their turn for promotions in their cadre As for the last part, a senior Muslim may be appointed as Deputy General Manager, Personnel, in the next few months

Sardar Sant Singh: Have these officers been selected for promotion along with others who were sent up for promotion, or is it that communal considerations were taken into consideration when these persons were appointed?

The Honourable Sir Andrew Olow: Other names are considered These appointments are not confined to any one community

Sardar Sant Singh: May I know to what communities the other persons, who were sent up for consideration for promotion along with these Mussalmans, belonged?

The Honourable Sir Andrew Olow: The reply I gave to part (d) gave the numbers for the last ten years, and I am afraid I could not answer the Honourable Member's question without notice

Sardar Sant Singh: May I know if the Honourable Member is sure that the promotion was not made on communal considerations alone?

The Honourable Sir Andrew Clow: Yes

DISMISSAL OF ENGINEERS IN MULTAN DIVISION OF THE NORTH WESTERN RAILWAY

131. *Dr. Sir Ziauddin Ahmad (on behalf of Nawab Siddique Ali Khan) (a) Will the Honourable the Railway Member be pleased to lay a full statement on the table of this House concerning the embezzlement which led to the dismissal of five Engineers in the Multan Division of the North Western Railway?

(b) How many of these officers are being prosecuted?

(c) What steps have been taken to recover the money of the taxpayers?

(d) What is the pecuniary condition of these officers? Are they in a position to pay the amount embezzled?

The Honourable Sir Andrew Clow: (a) and (b) I would refer the Honourable Member to the reply laid on the table of the House on 16th November, 1940, in reply to Mr Muhammad Azhar Ali's unstarred question No 54. No officers have been dismissed, and the question of the prosecution of the three officers, whose services have been terminated, did not arise. The cases of the two other officers are still under consideration.

(c) In the circumstances of the case which led to the termination of the services of three officers it was impracticable to make any recoveries other than those involved in the reduction of pension in the case of gazetted staff and forfeiture of special contribution to provident fund in the case of non-gazetted staff. The case in which the other two officers were involved is still under investigation.

(d) I have no information regarding the pecuniary condition of the officers whose services were terminated and they were not found guilty of embezzlement.

Dr. Sir Ziauddin Ahmad: Apart from the question of discipline which is really the concern of the department, taxpayers' money is involved here, and we should like to know whether Government know, as a result of their official inquiry, what is the exact amount that has been embezzled, and what steps they have taken for recovery of the money. That is irrespective of the question of discipline?

The Honourable Sir Andrew Clow: I have said that certain officers were not guilty of embezzlement. The actual loss to Government cannot be estimated exactly but I believe that it is approximately covered by the reductions to which I referred.

Dr. Sir Ziauddin Ahmad: We ought to know, in the first place, what is the exact amount which, according to the Government's inquiry, has been embezzled. If the answer of the Government is that no money has been embezzled, then the question does not arise. We should be satisfied

here that the taxpayers money is safe. If embezzlement has taken place, we should like to inquire what action has been taken to recover the money?

Mr. President (The Honourable Sir Abdul Rahim) The Honourable Member is making a speech

Dr. Sir Ziauddin Ahmad: My question is this. Will Government state on the floor of this House whether there has been embezzlement or not?

The Honourable Sir Andrew Clow: I have already said that two cases are under consideration, and on these I am not prepared to make any comments. In the case of the other 3, the officers were not found guilty of embezzlement. The actual loss to Government, as I said before, cannot be exactly estimated but it is probably in the neighbourhood of Rs. 40,000 and the reductions made in pensions and gratuities are roughly of that order also.

Dr. Sir Ziauddin Ahmad: We are not concerned with the reduction in their salary. What I want to know is whether there has been embezzlement to the extent of Rs. 40,000, and, if so, what steps have Government taken to recover this amount, irrespective of any departmental action?

The Honourable Sir Andrew Clow: I have said more than once that the three officers were not found guilty of embezzlement.

Sir Cowasji Jehangir: Then how did the money get lost?

The Honourable Sir Andrew Clow: The money was lost through the negligence of those officers. A reduction of the pensions and gratuities naturally involves a saving to Government and so far as I can estimate that is probably roughly equivalent to the loss that was incurred.

Dr. Sir Ziauddin Ahmad: The Honourable Member has admitted that there was loss to the taxpayer to the extent of Rs. 40,000, according to the inquiry of Government. Never mind how the money is lost. It is the duty of Government to make enquiries as to who is responsible for this embezzlement, and who has taken this money?

Mr. President (The Honourable Sir Abdul Rahim) The Honourable Member has already answered that. Next question.

DISREGARD OF RAILWAY BOARD ORDERS IN RESPECT OF CERTAIN CATERING CONTRACTS ON THE NORTH WESTERN RAILWAY

132. *Bhai Parma Nand: Will the Honourable Member for Railways please refer to

- (a) the speech of the Honourable Sir Guthrie Russell, during the debate on the Resolution regarding contracts for supplies of food, etc., on Railways in the Council of State on the 14th March, 1940, (page 263 of the Council of State Debates) viz. "Now, with regard to part (a) of the Resolution, the Central Advisory Council unanimously agreed that the question whether the contract should be given to local

professional men or whether more satisfactory service could be obtained by giving contracts by areas or sections should be left to the various Railway Administrations to decide subject to their consulting their local Advisory Committees
* * * * * Any orders issued by the Railway Board have, so far as I am aware, been honoured by the E I R "

- (b) letter No 23 AC/246, dated the 22nd November, 1940, from the Divisional Superintendent, North Western Railway, Delhi to Mr Ladha Ram, Hindu Sweetmeat Contractor Multan Cantonment Railway Station, reading as under

"With reference to your application, dated 20th June, 1940, you are hereby offered the vending contract of sweetmeats, bread, drink, tea, fruits, betels, punkhas and surahis at Dhuri Station. If you accept the offer please take over the work from 6th December, 1940, and deposit a security of Rs 100 in the Post Office pledged in the Divisional Accounts Officer, Delhi

"2 You will be allowed 16 (sixteen) salesmen to carry on the work out of whom 4 (four) should be Muslims ", and

- (c) letter No 23 AC/387, dated the 21st November, 1940, from the Divisional Commercial Officer, North Western Railway Delhi, to the Station Master, Dhuri, regarding (1) Messrs Tailu Ram Amar Nath, Sweetmeat and Chabrina vendors, and (2) Chiranj Lal, Hindu Bread and Fruits, etc, vendors, viz "Notice is hereby given for the termination of their contracts to take effect on expiry of a fortnight from the date of the issue of this notice", and state

- (i) whether Government traced any corruption in the termination of the contracts,
- (ii) the considerations upon which the contract is given to a professional man, who is not a local contractor,
- (iii) what other contracts are held by Mr Ladha Ram,
- (iv) whether the local Advisory Committee was consulted in the matter of giving an area to Mr Ladha Ram,
- (v) whether the Divisional Commercial Officer, Delhi, in any respect disobeyed the orders of the Railway Board,
- (vi) whether he will lay on the table a list of reports regarding unsatisfactory working of Messrs Tailu Ram Amar Nath and Chiranj Lal upon which their contracts are terminated, and
- (vii) whether Government now propose to rectify the error by cancelling the orders of the Divisional Commercial Officer, if not why not?

The Honourable Sir Andrew Clow: (c) (i) No

(ii) He was first on the list of approved contractors and his qualifications were good

(iii) I understand he may hold a contract in Multan but have no details.

(iv) No I would add that Mr Ladha Ram was not given an area contract

(v) No I believe that there were no local professional caterers on the approved list

(vi) I do not propose to disclose the various inspection notes containing complaints regarding the service rendered

(vii) This does not strictly arise, but there are no grounds for cancelling the contract

Mr. Lalchand Navalrai: May I know whether any local contractors applied for it, or that contracts should be given and they should be put on the approved list?

The Honourable Sir Andrew Clow: I do not know of any but I have not those particulars

NON-RECOVERY OF CERTAIN CONTRACTUAL AMOUNT FROM BALLABHDAS ESWARDAS

133. *Bhai Parma Nand. (a) Will the Honourable Member for Railways please state whether it is a fact that in 1937 Ballabhdas Eswardas made an agreement with the North Western Railway for paying Rs 21,000 (twenty-one thousand) for the catering of the Delhi Main Station? If not, what are the facts?

(b) Is it a fact that the sum of the agreement has never been recovered by the Railway? If it is not so, what is the real fact?

(c) What are the reasons for not recovering the agreed amount?

The Honourable Sir Andrew Clow: (a) No, the contract was auctioned for a sum of Rs 7,025 per annum, for three years

(b) I understand that the annual payment has been made for the years 1937 and 1938, and is now being made for 1939

(c) Does not arise

Dr. Sir Ziauddin Ahmad. The Honourable gentleman said that these contracts were given on the basis of economic rates. He has just now said that these contracts were auctioned. If that is the case, may I know where the question of economic rates comes in?

The Honourable Sir Andrew Clow: I said that this particular contract was auctioned. This was some time in 1936. Since the matter was discussed in the Central Advisory Council, the policy has been changed.

ALLEGED BOGUS APPOINTMENTS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY

134. *Dr. Sir Ziauddin Ahmad (a) Will the Honourable the Railway Member please state whether it is not a fact that in Howrah Division of the East Indian Railway, a number of unauthorised bogus appointments were made and appointment orders issued from the divisional head-quarter?

(b) Is it not a fact that persons so appointed began to function in spite of the fact that these posts were already filled up otherwise?

(c) Is it not a fact that an enquiry was instituted and the entire blame was put on a solitary clerk?

(d) Is it not a fact that this solitary clerk was prosecuted by Government? What is the finding of the judge?

(e) Is it not a fact that the judge acquitted the clerk and put the responsibility of bogus appointments on officers? What action, if any, have Government take on the finding of the judge?

(f) Are the Railway Administration prepared to have an independent inquiry by external agency, consisting of at least one person having the rank of a District Magistrate?

The Honourable Sir Andrew Clow: (a) Yes

(b) and (e) I have called for information and will lay a further reply on the table in due course

(c) Yes

(d) The answer to the first part is in the affirmative, as regards the latter part I understand the trial court convicted the clerk, but that he was acquitted on appeal

(f) No such procedure is contemplated

Pandit Lakshmi Kanta Maitra: May I know what is meant by "unauthorised bogus appointments"? The Honourable Member has replied to the question. In what sense did he understand the expression?

The Honourable Sir Andrew Clow: I understood it to mean appointments which are not regular and proper

Dr. Sir Ziauddin Ahmad: Has the Honourable gentleman seen the judgment of the appellate authority?

The Honourable Sir Andrew Clow: I have not seen it yet, but hope to see it in the due course

Mr. M. S. Aney: May I know whether these bogus officers had received salaries for some months?

The Honourable Sir Jeremy Raisman: Bogus salary

The Honourable Sir Andrew Clow: That arises under part (b) with regard to which I have called for information

Dr. Sir Ziauddin Ahmad: May I know, in case the Judge comes to a decision that really speaking some officers ought to have been prosecuted, will he take action according to the decision of the Honourable Judge?

The Honourable Sir Andrew Clow: It is always a principle that when remarks are passed against an officer, he is entitled to a reply on a separate charge sheet before any action is taken against him

EXCESS RECRUITMENT OF THE MINORITY COMMUNITY ON CERTAIN RAILWAYS.

135. ***Bhai Parma Nand:** Will the Honourable Member for Railways please refer to Mr Frank DeSouza's report on communal representation in Railway Services and state the reasons for the recruitment of staff

over and above the percentage fixed for the minority community on the Eastern Bengal, the East Indian and the Great Indian Peninsula Railways and the steps taken by the Railways to reduce the excess number of the minority community? If no steps have been taken by this time, what are the reasons therefor?

The Honourable Sir Andrew Clow: I am not clear which community or excess the Honourable Member has in view, but there have been minor errors in the application of the rules. The attention of the railways concerned has been drawn to these.

DEFICIENCY IN THE PERCENTAGE OF HINDU EMPLOYEES ON CERTAIN RAILWAYS.

136. *Bhai Parma Nand: Will the Honourable Member for Railways please refer to (i) the report of Mr K M Hassan, and (ii) the report of Mr Frank DeSouza, C I E, on the communal representation in Railway services and state

- (a) the percentage of Hindus employed on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways, shown in the two different reports in each class or category of employment,
- (b) the reasons for any decrease in the percentage of Hindu employees in any class or category of employment on any Railway, and
- (c) how Government propose to make up the deficiency in the percentage of Hindus, if not, why not?

The Honourable Sir Andrew Clow: (a) The information is contained in both the reports, copies of which are in the Library of the House

(b) The reservation of specific percentages in recruitment to the minority communities naturally causes a reduction in the percentage of employees belonging to the Hindu community

(c) Government propose to take no action

PROMOTIONS TO THE POST OF THE CHIEF COMMERCIAL MANAGER ON CERTAIN RAILWAYS

137. *Bhai Parma Nand: Will the Honourable Member for Railways please state

- (a) the class or category of staff eligible for promotion to the post of the Chief Commercial Manager on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways,
- (b) the particulars of the procedure prescribed for the promotion to the post of the Chief Commercial Managers,
- (c) whether the post of the Chief Commercial Manager is a Selection post, and
- (d) whether the selection is made by the Federal Public Service Commission, if not, why not?

The Honourable Sir Andrew Clow: (a) Members of the Transportation (Traffic) and Commercial cadre of the Superior Revenue Establishment of the Railways

(b) No, special procedure has been prescribed

(c) Yes

(d) No, the administration is not required to obtain the advice of the Federal Public Service Commission in making such appointments, nor is it necessary

Pandit Lakshmi Kanta Maatra: May I know what are the considerations that weigh with the authorities in making a selection?

The Honourable Sir Andrew Clow: The qualifications of the officers for the appointment

Mr. M. S. Aney: What are the principles on which the selection of officers is left over to the consideration of the Federal Public Service Commission?

The Honourable Sir Andrew Clow: I said that the administration is not required to obtain the advice of the Federal Public Service Commission in this case

Mr. M. S. Aney: The Honourable Member further said that he did not consider it necessary. I want to know what are the principles on which reference is made to the Public Service Commission in the matter of the selection of officers. What is the ground of the distinction between cases which are sent to the Public Service Commission and cases which are not sent to the Public Service Commission? What are the principles on which this distinction is made?

The Honourable Sir Andrew Clow: Roughly speaking, the general distinction is between first appointments to a service and promotion

Mr. Lalchand Navalrai: May I know from the Honourable Member why it was not considered necessary in this case to refer this matter to the Public Service Commission?

The Honourable Sir Andrew Clow: I have just replied to that in answer to Mr. Aney

Mr. Lalchand Navalrai: The Honourable Member said that this was not considered necessary in this particular case. On what grounds was it considered not necessary to send them to the Public Service Commission?

The Honourable Sir Andrew Clow: My answer had no special reference to this particular case. The same principles apply to other cases

Dr. Sir Ziauddin Ahmad: In view of the fact that the Administration Report just published shows that out of eleven appointments on State-managed Railways in the officers' grade, not a single percentage of Muslims was there, I do not know what my Honourable friend meant when he said they wanted to make up the deficiency, since, out of eleven appointments, seven are Hindus and four Anglo-Indians?

Mr. M. S. Aney: What is the question?

Mr. President (The Honourable Sir Abdur Rahim) Next question.

**WITHHOLDING OF A TELEGRAM CONCERNING GURU GOBIND SINGH DAY
CELEBRATION AT SARGODHA.**

138. *Sardar Sant Singh: (a) Will the Honourable the Communications Member please state if it is a fact that the following telegram was not forwarded by the telegraph authorities at Sargodha to His Excellency the Governor, the Premier and others

"Unarmed religious procession 'on the anniversary of Sri Guru Gobind Singh using customary route lathi-charged by the Police over 20 persons injured conditions of a few serious, about 12 persons arrested so far lorry carrying Guru Granth Sahib taken by police Gurdawara management prevented by authorities from raising Pandal in front of Gurdawara for holding anniversary dewan sikh feeling perturbed'

If, so, will he please state whether such a telegram falls within the purview of rule 15 of the Indian Telegraph Rules? Which portion of this telegram is 'plainly objectionable' or 'of alarming character'?

(b) Is it also a fact that the telegraph authorities had previously also declined to transmit telegrams relating to riots at Sargodha? Was any communication received by the telegraph authorities from District Magistrate, Sargodha, ordering or desiring them to obtain his orders before transmitting any messages relating to riots? If so, will Government place that letter of the District Magistrate on the table of the House, and state if the rules in question permit a District Magistrate to issue such instructions to the telegraph authorities?

(c) Is it a fact that the telegraph authorities did not forward the telegram quoted above due to the ban placed by the District Magistrate? Has a District Magistrate any power under the rules of the Telegraphs Department to censor telegrams, or issue general instructions except those that are contained in Rule 15?

The Honourable Sir Andrew Clow: (a) The text of the telegram quoted by the Honourable Member gives the substance of the telegram, but does not give its wording accurately. The telegram in question was not forwarded. The officer-in-charge of the telegraph office was doubtful whether it was not of an objectionable character, and, therefore, referred it under Rule 15 of the Indian Telegraph Rules to the chief civil officer of the district, and, under his advice, he treated the telegram as objectionable. He apparently held that the whole of the telegram was objectionable.

(b) As regards the first part, one previous telegram was stopped. The answer to the second part is in the negative and the third part does not arise.

(c) As regards the first part, the telegram was withheld on the advice of the District Magistrate which was sought and given under Rule 15 of the Indian Telegraph Rules. The answer to the second part is in the negative.

Sardar Sant Singh: May I know if the Honourable Member has got the text of the telegram and, if so, will he kindly let me know if in his opinion any portion of this telegram is of an alarming character or of an objectionable nature?

The Honourable Sir Andrew Clow: The Honourable Member is not entitled to ask for my opinion in putting a question.

Sardar Sant Singh: What I ask is—does he endorse the opinion of the subordinate officials who prevented the sending of this telegram on the ground that it was alarming and of an objectionable nature?

Mr. President (The Honourable Sir Abdur Rahim) The Chair rules that out of order

Sardar Sant Singh: My question is this. A subordinate official referred this telegram to the District Magistrate. That official is subordinate to the Honourable Member. I want to know whether he endorses the opinion of his subordinate that this telegram was of an alarming or doubtful nature.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member has given his answer, but he is still asking for his opinion.

Sardar Sant Singh: I am not asking for his opinion.

Mr. President (The Honourable Sir Abdur Rahim) It comes to that.

Sardar Sant Singh: What I want to ask is this. Rule 15 is being used for the purpose of suppressing a legitimate grievance of the people by the Telegraph Department. I am asking, how he interprets rule 15.

The Honourable Sir Andrew Clow: I interpret the meaning of that rule in this way that when a telegraph official refers a matter of this kind to the District Magistrate, he must be guided by the advice he is given.

Sardar Sant Singh: May I know if it is a fact that this District Magistrate issued general orders to the Telegraph Department not to forward any telegrams relating to these riots at Sargodha without consulting him?

The Honourable Sir Andrew Clow: No, Sir, as far as I know, that is not a fact.

Sardar Sant Singh: Is the Honourable Member prepared to make inquiries into the matter?

I have myself seen the letter of the District Magistrate with the Telegraph Master.

The Honourable Sir Andrew Clow: I have seen the advice given by the District Magistrate, and it does not bear that construction. In any case, I am not responsible for the action of the District Magistrate.

Sardar Sant Singh: I know you are not. May I know if the Honourable Member is prepared to issue instructions to the Telegraph Department that they are not to entertain such advice of a general nature and that they should use their discretion, as provided for in rule 15?

The Honourable Sir Andrew Clow: No, Sir, I am not aware that such advice was given.

Sardar Sant Singh: May I know if the District Magistrate has any authority under the Telegraph Act to issue such instructions of a general nature which amount to a censoring of the news?

The Honourable Sir Andrew Clow: I think I have either answered that question already, or it is coming later

POLICY OF THE TELEGRAPH DEPARTMENT CONCERNING TRANSMISSION OF COMPLAINTS TO HIGH EXECUTIVE AUTHORITIES

139. *Sardar Sant Singh: Will the Honourable the Communications Member make a public statement as to the policy of his department if the complaints addressed to high executive authorities, however, alarming in nature, come within the mischief of rule 15 of the Indian Telegraph Rules?

The Honourable Sir Andrew Clow: Government hold that if a telegram is of an alarming nature, it comes within the mischief of Rule 15 of the Indian Telegraph Rules irrespective of who the addressee is, but as I take it that this request is made in view of the action referred to in the preceding question, I should add that both the telegrams were addressed to a press organization and a newspaper as well as to official authorities as multiple telegrams

Sardar Sant Singh: May I know if the Honourable Member is prepared to modify this rule by saying that if they are addressed to high executive authorities, they may be forwarded, while an option should be given to the sender to strike off the names of those who are not in public service?

The Honourable Sir Andrew Clow: I am not prepared to say that every objectionable telegram should be forwarded to an official or high authority

Sardar Sant Singh: May I know why the Telegraph Department should not be used by people for addressing persons of such a high position like His Excellency the Governor and the Premier of a province?

The Honourable Sir Andrew Clow: It certainly should be used, in the proper fashion

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Member if it is the practice in cases where a District Magistrate withholds a telegram to send a report of his action to the highest telegraph authorities?

The Honourable Sir Andrew Clow: No, Sir

Pandit Lakshmi Kanta Maitra: Do I understand that there is absolutely no provision by which District Magistrates can be in touch in these matters with the high telegraph authorities?

The Honourable Sir Andrew Clow: There is no need for them to be kept in touch with high telegraph authorities, they are answerable to the Provincial Government to which they are subordinate

Pandit Lakshmi Kanta Maitra: Even in such matters as withholding of telegrams, magistrates are not responsible to the telegraph authorities under whose jurisdiction they act in accordance with section 15 but they act under the orders of the Provincial Government?

The Honourable Sir Andrew Clow: They are not responsible to the Director General in respect of the advice they give

Mr. M. S. Aney: Does not the Honourable Member see that the very right of making a representation by way of a telegraphic communication stands in danger of being taken away, and that there is a danger of a man being deprived of that facility if he wants to complain against the District Magistrate, on account of the power vested in him under rule 15?

The Honourable Sir Andrew Clow: No, Sir. I take it that if a Governor or high official to whom such a telegram is addressed finds that the District Magistrate is exercising his powers improperly, they will draw his attention to that and the necessary direction will be given.

Mr. M S Aney: Suppose this particular District Magistrate has abused his power, will the telegraph authorities be prepared to send that telegram direct to them without referring it to the District Magistrate if complaint with regard to the abuse of his powers is made against the District Magistrate?

The Honourable Sir Andrew Clow: If the telegraph authority is in doubt, he must be guided by the advice of the District Magistrate, it is not for him to say that that advice represents an abuse of the District Magistrate's powers.

Mr M S. Aney: Will the telegraph authorities be pleased to communicate a telegram protesting against the abuse of the power exercised with regard to a particular telegram without referring that telegram also to the District Magistrate?

The Honourable Sir Andrew Clow: It would depend on the character of the telegram. I take it such a telegram would not be of an alarming nature and then no question would arise.

ENQUIRY INTO CONDUCT OF THE TELEGRAPH MASTER OF SARGODHA FOR SUBMITTING TO CENSORSHIP OF DISTRICT MAGISTRATE

140 *Sardar Sant Singh: Is the Honourable the Communications Minister prepared to institute an enquiry into the conduct of the Telegraph Master of Sargodha in submitting to the censorship of a District Magistrate? If not, why not?

The Honourable Sir Andrew Clow: There was no censorship imposed by the District Magistrate as alleged. The question does not, therefore, arise.

Sardar Sant Singh: May I know if the Honourable Member proposes to abdicate his position or the position of this House in favour of the provincial executive officer?

The Honourable Sir Andrew Clow: It is not a question of abdicating one's position. The provincial executive officer is exercising powers entrusted to him by a statutory rule.

Sardar Sant Singh: May I know if this rule was made before Provincial Autonomy came in, and, in view of the complications which have arisen, will he change this rule now?

The Honourable Sir Andrew Clow: No, Sir, I think the rule is a well-designed one

Sir Cowasji Jehangir: May I ask if any rules are prescribed whereby Telegraph Masters are guided, in their discretion to send a telegram for censorship or for directions to the District Magistrate?

The Honourable Sir Andrew Clow: This particular rule prescribes that where a telegraph authority is in doubt, he shall refer the telegram to the chief civil authority, and the implication is that he should be guided by the advice that he gets from him

Sir Cowasji Jehangir: Are there any instructions as to what the Telegraph Master should do and what he should not do or is the discretion entirely left to him?

The Honourable Sir Andrew Clow: I read the rule in the House the other day on a discussion about an adjournment motion on this question. If the Honourable Member will refer to it, he will find the answer

Sir Cowasji Jehangir: Is not that putting a tremendous responsibility on a Telegraph Master that he should be the sole person to decide whether a telegram should be sent to the District Magistrate or not without any sort of guidance or control?

The Honourable Sir Andrew Clow: There is guidance in the rule which refers to telegram being objectionable or of an alarming nature

Sir Cowasji Jehangir: Who is to judge?

The Honourable Sir Andrew Clow: The point is that in doubtful cases the chief civil authority is asked to judge

Pandit Lakshmi Kanta Maitra: Besides the provisions contained in Rule 15, is there any specific criterion laid down by which the magistrate in coming to a decision as to the objectionable nature of a telegram might be guided, or is it all a question of personal opinion? I want to know whether the Government have prescribed any direction or laid down any criterion by which such a telegram is to be judged?

The Honourable Sir Andrew Clow: No, Sir

PROCEDURE FOR SELECTION TO CERTAIN POSTS ON THE NORTH WESTERN RAILWAY

141 ***Mr Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state

- (a) whether it is a fact that the following posts on the North Western Railway are controlled by the Divisional Superintendents
 - (i) Signallers, to which recruitment is made through Station Masters' Group,
 - (ii) Commercial group—Booking, Goods and Parcel Clerks,
 - (iii) Ticket Collectors,

- (iv) Tram Clerks, and
- (v) Guards grade II,
- (b) whether it is a fact that selection for recruitment to these posts is finally made through the Central Selection Board at Lahore,
- (c) whether the procedure followed is in conformity with paragraphs 73 and 74 and note thereto of Appendix (II), page 189 of the State Railway Establishment Code, Volume I, if not, why not, and
- (d) whether the Honourable Member proposes to issue instructions to the North Western Railway administration strictly to observe rules referred to in part (c) above. If not, why not?

The Honourable Sir Andrew Clow: (a) Recruitment to the posts specified is controlled by the Headquarters Office

- (b) Yes
- (c) The Note under rule 74 covers the practice obtaining on the North Western Railway
- (d) Does not arise

Mr. Lalchand Navalrai: With regard to part (c), may I know whether it is a fact that the appointments that are controlled by the Divisional Office are done by one single Selection Board in the Divisional Offices, and if any appointments are made for the Headquarters office, then there are two selections?

The Honourable Sir Andrew Clow: I have got the note in front of me, and would ask the Honourable Member to go through the code. It is always a difficult matter to interpret briefly a rule. The note in question however refers to cases "where recruitment is made for posts controlled by the Headquarters Office"

Mr. Lalchand Navalrai: In view of what I have submitted just now, would the Honourable Member ask the General Manager to have only one selection board for these appointments that are being controlled by the Divisional officer and not two selection boards. Would the Honourable Member, in pursuance of the rule I have quoted, draw the attention of the General Manager not to insist on having two selection boards?

The Honourable Sir Andrew Clow: As I have explained in reply to part (a) The Honourable Member's question is based on a misapprehension. Recruitment to the posts specified is controlled by the Headquarters office.

Mr. Lalchand Navalrai: That is exactly what I am submitting. I know that this rule provides that those appointments that are required for the headquarters office and controlled by the headquarters should be put under two selections, one in the headquarters and the other in the divisional office. I am asking whether in view of that the Honourable Member will go into the question himself and once for all decide this question and give instructions accordingly to the General Manager.

The Honourable Sir Andrew Clow: I am completely in the dark as to the question which the Honourable Member wishes me to examine

Mr. Lalchand Navalrai: I am asking the Honourable Member whether it is a fact or not and whether the procedure should be laid down or not that those appointments that are controlled by the Divisional offices should be subject only to one selection board? I am asking the Honourable Member to investigate this question

The Honourable Sir Andrew Clow: I do not understand how if an appointment does not go beyond the Divisional office, there can be two selection boards

Mr. Lalchand Navalrai: There are now two selection boards at present. When recruitment is required for the Division, then also the applications are called for and they are examined first of all by the Selection Board in the Division. Then they are sent to the Central office headquarters at Lahore to be subjected to another examination along with other persons from other Divisions. I am saying that that procedure is against the rules that have already been made and I am requesting the Honourable Member to investigate into this and if the rules provide like this then the General Manager should be told that it should be only in those exceptional cases when appointments are required for the headquarters, they only should be subject to two selection boards

The Honourable Sir Andrew Clow: The Honourable Member is now raising quite a different issue as to whether certain appointments should be controlled by the Division or controlled by headquarters. This is not a matter in which I am prepared to interfere

Mr. Lalchand Navalrai: I say at present that it is a fact that appointments are subject to two Selection Boards

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member is making a speech. He is not asking any question

Mr. Lalchand Navalrai: I am only asking that this question should be investigated because the Honourable Member may not have read this rule. I am requesting the Honourable Member to go into this question so that the trouble that has been going on for such a long time may be removed. I am not asking for anything else except investigation

The Honourable Sir Andrew Clow: The Honourable Member is referring to certain appointments which are submitted to the headquarters office. If they are so submitted, then they are controlled by that office

Dr. Sir Ziauddin Ahmad: May I know whether it is not the present practice that appointments of officers of all posts which are transferable from one Division to another are always made by the General Manager and those appointments which are filled up by persons not transferable are filled up by the Divisional officers themselves?

The Honourable Sir Andrew Clow: This question does not relate to officers at all

NON-CONFIRMATION IN CERTAIN VACANCIES OF LOCO INSPECTORS, ASSISTANT CONTROLLERS, ETC., ON THE NORTH WESTERN RAILWAY

142. *Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to part (b) of starred question No 98, asked on the 16th November, 1940, will he be pleased to state why five Loco Inspectors' vacancies are not being filled permanently? How many of the Loco Inspectors, officiating as such, are Indians?

(b) What is the maximum duration of continuous officiating service, after which an employee must be confirmed even provisionally, if his working has not been unsatisfactory?

(c) If no such period has been fixed, do Government propose to issue such orders? If not, what steps do Government propose to take to end the suspense of persons officiating for very long periods, that they would in due course be confirmed in the officiating appointment?

(d) Have confirmation orders of Assistant Controllers and Assistant Station Masters, grade IV, or above, referred to in part (b) of starred question No 98, asked on the 16th November, 1940, since been issued? If not, why not?

The Honourable Sir Andrew Clow: (a) The abolition of five posts of Loco Inspectors is being considered. Three of the five officiating men are Indians.

(b) There is no period laid down and confirmation must depend on the occurrence of permanent vacancies.

(c) Government have no general orders in contemplation, but the North Western Railway will be asked to reach an early decision regarding the abolition or retention of the posts in the present case.

(d) Five Assistant Station Masters and three Assistant Controllers have been placed on probation and their confirmation will be considered in due course.

Mr. Lalchand Navalrai: May I know since how long these Assistant Station Masters and Assistant Controllers have been officiating and why have they not been made permanent? Will the Honourable Member consider their confirmation early?

The Honourable Sir Andrew Clow: No, Sir. I have said in reply to part (c) that as regards the Loco Inspectors, the North Western Railway will be asked to reach an early decision.

Mr. Lalchand Navalrai: I am asking the question with regard to part (d). Why should they remain indefinitely officiating and not made permanent?

The Honourable Sir Andrew Clow: I have no reason to suppose that their officiating will continue indefinitely.

Mr. Lalchand Navalrai: It is a very long time since they have been officiating, will the Honourable Member consider their confirmation?

Mr. President (The Honourable Sir Abdur Rahim) Next question

DISCRIMINATION IN EXEMPTION FROM DEPARTMENTAL EXAMINATION IN SIND AND BALUCHISTAN POSTAL CIRCLE

143. *Mr. Lalchand Navalrai: With reference to the Director General Posts and Telegraphs reply to parts (a) and (b) of my starred question No 88 asked on the 16th November, 1940, will the Honourable Member for Communications be pleased to state

- (a) when the examination system referred to in the reply was introduced in the department,
- (b) the dates from which the six persons, referred to in the reply, started acting in the department,
- (c) whether it is a fact that certain Hindu employees who were appointed in 1936 and prior to the issue of orders of recruitment by examination system, still continue to be temporary, if so, why,
- (d) if exemption was granted in the case of the six Muslim candidates, why it was not granted in the case of Hindus referred to in part (c) above, and
- (e) whether there are any rules or orders which authorise communal discrimination in the matter of exemption being given to employees in the Postal Department, if so, whether he will specify such orders

The Honourable Sir Andrew Clow: (a) 26th September, 1937, in the Sind and Baluchistan Circle

(b) The six persons of whom only four are now in the Department are now reported to have started acting on dates lying between 15th February, 1938, and 15th June, 1939. As this is not in conformity with a reply previously given to the Honourable Member further inquiries are being made into the matter

- (c) I understand that there are none
- (d) Does not arise
- (e) The reply to the first part is in the negative, the latter part does not arise

Mr. Lalchand Navalrai: With reference to part (c), may I know if there are no Hindu employees who will continue to be temporary?

The Honourable Sir Andrew Clow: My answer was "I understand that there are none"

GIVING OF REVISED SCALES OF PAY TO RETRENCHED WORKSHOP APPRENTICES ON RE-APPOINTMENT ON THE NORTH WESTERN RAILWAY

144 *Mr. Lalchand Navalrai. Will the Honourable Member for Railways be pleased to state

- (a) whether it is a fact that certain out-station and Workshop apprentices on the North Western Railway were discharged owing to 1931 retrenchment campaign, for want of vacancies to absorb them on completion of their training,
- (b) whether it is a fact that on their re-appointment on occurrence of vacancies in 1933 or 1934 they were given revised scales of pay,

- (c) whether it is a fact that certain other persons who completed their apprenticeship in 1934 and 1935 were on being retained in service given old scales of pay,
- (d) whether it is a fact that this anomaly was brought to the notice of the Railway Board by the All-India Railwaymen's Federation, *vide* paragraph 8 of the amplified report of the proceedings of the eighteenth half-yearly meeting held in November 1939 and
- (e) whether it is a fact that the Railway Board referred to this anomaly as hypothetical, but the General Secretary, North Western Railway Employees Union, Karachi under his No 45-U, dated 6th August, 1940, pointed out to the Secretary, Railway Board, some actual cases of anomaly referred to in part (d) above, if so, what action was taken to remove the anomaly, and if no action was taken, why not?

The Honourable Sir Andrew Clow: (a) Yes, but they were not retrenched

(b), (c) and (d) Yes

(e) The answer to the first part is in the affirmative, as regards the latter part, Government do not take cognisance of communications from unrecognised unions

Mr. Lalchand Navalrai: May I know with reference to part (b) whether those persons who were discharged in 1931 and who were put on the waiting list were given revised scales of pay?

The Honourable Sir Andrew Clow: I believe they were given the new scales of pay, but I am not certain

Mr. Lalchand Navalrai: If they were on the waiting list and if they were again appointed, why were they not guided by the old rules which entitle them to get old scales of pay and not new scales?

The Honourable Sir Andrew Clow. As far as I know they were not retrenched

NON-TRANSFER OF SUPERINTENDENT OF POSTS AND RAILWAY MAIL SERVICE IN SIND AND BALUCHISTAN POSTAL CIRCLE

145 *Mr Lalchand Navalrai: Will the Honourable Member for Communications be pleased to state

- (a) the period for which each Superintendent of Posts and Railway Mail Service in Sind and Baluchistan Circle has remained in this Circle, and
- (b) the maximum period for which Superintendents can remain in one and the same circle, if no such period has been fixed, whether Government propose to lay down such a limit so as not to allow one officer to remain in the same circle indefinitely, if not, why not?

Sir Gurunath Bewoor: (a) There are at present four permanent Superintendents of Post Offices and R M S in the S & B Circle Of

these, one has been in the circle for a year and a half, one for 13 years and 8 months, one for two years and 9 months and one for 3 years and 3 months

(b) No period has been prescribed nor is it considered necessary to prescribe a period

Mr. Lalchand Navalrai: How is it that one gentleman has been retained for more than 13 years in one place?

Sir Gurunath Bewoor: He is not in one place, he is in the Sind and Baluchistan Circle

STEPS FOR PROTECTION OF PROPERTY OF INDIAN NATIONALS IN SAIGON, INDO-CHINA

146. ***Mr. M S Aney** Will the Secretary for External Affairs be pleased to state

- (a) the latest position with regard to properties, moveable and immoveable, owned by the Indian nationals in Saigon, Indo-China, and
- (b) whether the British Consul General at Saigon has been instructed by His Majesty's Government to take all the necessary and possible steps to protect Indian property there, in view of the present unsettled conditions prevailing there and if so, what these steps are?

Mr. O. K. Caroe: (a) Government have no information

(b) It is the duty of His Majesty's Consuls in all foreign countries to take all proper steps to protect the interests of British subjects residing in those countries. No special representations have been received suggesting the necessity for the issue of special instructions on the lines suggested by the Honourable Member

Mr. M. S. Aney: Will the Honourable Member, in view of the question put in this House, move our representative there to keep himself in touch with the Indians there and make the necessary report?

Mr. O. K. Caroe: I think, Sir, that in the present situation it might possibly be difficult for His Majesty's Consul to undertake any general kind of census or anything of that kind, and it might also lead to alarm. But Government are prepared to bring to the notice of His Majesty's Consul any special cases which are represented

Babu Bajunath Bajoria: Have Government taken any steps to repatriate Indians in Indo-China to India on account of the unsettled conditions there?

Mr. O. K. Caroe: No, Sir

Babu Bajunath Bajoria: Has there been any demand from Indians to this effect?

Mr. O. K. Caroe: Not as far as I am aware

Pandit Lakshmi Kanta Maitra: Are we to understand that the External Affairs Department of the Government of India does not keep touch with the Consuls in foreign countries so as to be able to ascertain the exact position of Indians there in these troublous times? Is there no machinery by which they can be in touch with them?

Mr. O. K. Caroe: When any cases are brought to notice they are always in a position to get into touch with His Majesty's Consuls. There has been no case so far brought to the notice of the External Affairs Department (except one which appears later in answer to another question) which would require the External Affairs Department to take any initiative.

Pandit Lakshmi Kanta Maitra: May I know if it is not the practice with this department to have a periodical report from these Consuls about the position of Indians in those countries?

Mr. O. K. Caroe: There are in certain countries reports sent in by His Majesty's Consuls and they refer to the position, commercial and otherwise, of British subjects in those countries. I do not remember to have seen any recent report from Indo-China.

Pandit Lakshmi Kanta Maitra: What I want to know is whether in these times of trouble and of international complications any policy has been laid down by Government to keep active touch with these Consuls so as to ascertain the position of Indians living in these countries.

Mr. O. K. Caroe: No, Sir, I think general orders of that kind would be undesirable and it might lead to alarm.

Pandit Lakshmi Kanta Maitra: Has the Honourable Member got any statistics to show the number of Indians there and the value of property possessed by them?

Mr. O. K. Caroe: I have no statistics by me, but I think they could probably be obtained.

STEPS FOR PROTECTION OF PROPERTY OF INDIAN NATIONALS IN SAIGON, INDO-CHINA

147. ***Mr. M. S. Aney.** Will the Secretary for External Affairs be pleased to state

- (a) whether the Government of India have received any representation from Shri V. Nadimuthu Pillai, M.L.A., or other Indian nationals either directly or through the Madras Government, in regard to protection of property of Indians in Saigon, and
- (b) whether Government have taken any steps on those representations to protect their property in Saigon and, if not, why not?

Mr. O. K. Caroe: (a) No

(b) Does not arise

Pandit Lakshmi Kanta Maitra: May I know if, on receipt of the notice of this question where the specific name of the gentleman is given, the Honourable Member's Department made any inquiry as to the facts alleged there?

Mr. O. K. Caroe: Yes, an inquiry was made and it was ascertained that only one representation had been received, but not from the individual mentioned. That representation, however, related not to property to which this question relates but to remittances, and I think there is some confusion between property of Indians in Indo-China and remittances of funds from Indo-China to India. That will appear in my answer to the next question.

Mr. M. S. Aney: The Honourable Member stated that the representation was not received from the specific individual mentioned in the question but from somebody else. What steps were taken on that representation with reference to the same matter?

Mr. O. K. Caroe: The question there did not relate to property, but to remittances, and that will appear in my answer to the next question.

EMBARGO ON TRANSMISSION OF MONEY BY INDIAN NATIONALS FROM SAIGON TO INDIA

148. ***Mr. M. S. Aney:** Will the Secretary for External Affairs be pleased to state

- (i) whether Government are aware of any embargo by the British Government on remittances of money in Saigon through bankers to Indian nationals in Madras and elsewhere,
- (b) whether Government are aware that during the past six months or more the branches of the Chartered Bank and National Bank of India in Saigon refused to accept remittances to India from Saigon of money belonging to Indian nationals, though such remittances are allowed by the Government of Indo-China, and
- (c) whether Government propose to take steps to inquire into this matter and arrange for prompt remittances to India by the Banks in the interests of Indian nationals?

Mr. O. K. Caroe: (a) No. The Banks in Saigon are controlled by the Government of French Indo-China and not by the British Government.

(b) No. On the contrary Government's information is that remittances from Indo-China to India are not being allowed by the Government of Indo-China.

(c) Government are already considering the matter.

Mr. M. S. Aney: May I know if Government, in view of the specific information placed before them now, will approach His Majesty's Consul there and ask him to inquire into this matter and see that due justice is done to Indian nationals in this matter of remittances?

Mr. O. K. Caroe: Government intend to ascertain in communication with His Majesty's Consul General, what the exact position is as regards remittances from Indo-China to India and if there are any difficulties, to say whether it is possible to remove them.

Mr. M. S. Aney: Are Government aware that there are many families in the Madras Presidency which entirely depend, and have to live, on such remittances as are made to them from time to time by other members of their families who are working there? Are Government aware that the stopping of remittances is causing a good deal of hardship to these families here?

Mr. O. K. Caroe: These statements and allegations have been made and Government are aware that there are Indians resident in Indo-China who wish to make remittances, and naturally if there is any bar on remittances, they are also aware that it may cause hardship.

Mr. Lalchand Naralrai: Since when are Government aware of that, and have Government up to this time made any references there to allow them to make remittances?

Mr. O. K. Caroe: Hitherto there have been no difficulties on remittances, as far as Government are aware from Indo-China to India. Difficulties have only arisen as a result of developments in that French colony.

ADVERTISEMENT BY THE DIVISIONAL SUPERINTENDENT, FEROZEPUR, FOR POSTS OF WORKS MISTRIES

149. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please state

- (a) whether the Divisional Superintendent, Ferozepur, advertised for certain posts of works mistries in December, 1940,
- (b) whether applications were received for these posts,
- (c) whether any of the applicants were called for an interview,
- (d) whether the advertisement was cancelled,
- (e) whether the cost of the applications was refunded to the applicants, if not, why not, and
- (f) if no selection was held, how the posts were filled, and what the communal proportion was of the persons appointed to fill these.

The Honourable Sir Andrew Clow: (a), (b) and (d) Yes

(c) No

(e) Applicants were not required to apply on forms obtained after payment, therefore there was no question of a refund. Two applicants, however, who did send in forms obtained on payment were given back the forms for future use.

(f) No posts were filled as there were no vacancies and the advertisement was put in under a misapprehension. The latter part does not arise.

Dr. Sir Ziauddin Ahmad: Is it not a fact that these advertisements are not free and cost some money? Did the administration make inquiries as to why these wrong advertisements were put in resulting in expenditure to Government and to the candidates, when there was no post to be filled up?

The Honourable Sir Andrew Clow: None of us is infallible, Sir

Dr. Sir Ziauddin Ahmad: Did Government make any inquiry as to why this mistake was made?

The Honourable Sir Andrew Clow: We are all liable to make mistakes

Dr. Sir Ziauddin Ahmad: But is it not also our duty to find out how the mistakes occur?

The Honourable Sir Andrew Clow: It was an error

Sir Muhammad Yamin Khan: Have Government taken any disciplinary action against the persons who made such a blunder?

The Honourable Sir Andrew Clow: If I took action against every official who made mistakes, I doubt if any officials, including myself, would be left

Maulvi Muhammad Abdul Ghani: What was the amount of money realised from supply of application forms to candidates in this case?

The Honourable Sir Andrew Clow: I do not know what the amount prescribed is, but in this case they were not required to apply for forms on payment. Two did that

Mr. M. S. Aney: What is the distinction in the meaning of the two words "error" and "mistake"?

The Honourable Sir Andrew Clow: I did not intend to draw any distinction, but errors generally mean rather minor mistakes

Mr M S Aney: If I understood the Honourable Member rightly did he not want to justify the mistake on the ground that it was an error?

The Honourable Sir Andrew Clow: No Sir on the ground that it was a mistake

WORK MISTRIES APPOINTED ON THE NORTH WESTERN RAILWAY

150. ***Mr H. M. Abdullah:** Will the Honourable Member for Railways please state the number of persons who were appointed as works mistries in the various divisions of the North Western Railways during 1939 and 1940

- (i) community-wise,
- (ii) year-wise, and
- (iii) showing community-wise, how many were recruited direct and how many promoted?

The Honourable Sir Andrew Clow: I have called for information and a reply will be laid on the table in due course

Pandit Lakshmi Kanta Maitra: May I know whether the expression "community-wise", "year-wise", etc., are adopted by Government in their reports, and what is the exact implication of this phraseology?

The Honourable Sir Andrew Clow: I think the meaning is clear although the words may not be English. It means, by communities or by years.

Pandit Lakshmi Kanta Maitra: May I ask whether the Government use this phraseology in their reports?

The Honourable Sir Andrew Clow: I do not think so. I should not use it in any report I was preparing.

SEPARATE CADRES FOR ELECTRICIANS AND JOURNEYMEN OF ELECTRIC BRANCH OF NORTH WESTERN RAILWAY

151. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state what the qualifications of electricians and journeymen of the Electric Branch of North Western Railway are?

(b) Is it a fact that electricians were given training for train-lighting only and journeymen were given training for power side of the electricity up to 1930?

(c) Is it a fact that they are not interchangeable and separate seniority lists were maintained separately for both cadres?

(d) If the reply to parts (a) and (b) be in the affirmative, how long is the Railway Administration going to keep the cadres separate for purposes of promotion?

The Honourable Sir Andrew Clow: (a) I presume the Honourable Member is referring to the qualifications necessary for recruitment. If so, he is referred to item (i) of the statement laid on the table of the House on 28th March, 1940, in connection with his starred question No 213 on the 27th February, 1940.

(b) Yes to those who were recruited as apprentice mechanics up to 1930.

(c) A man who is proved suitable may be transferred from the power side to train lighting or *vice versa*. Separate seniority lists are maintained.

(d) For so long as this is in the interests of the service.

NON-TRANSFER OF THE ASSISTANT PERSONNEL OFFICER AT DELHI

152. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state how long the present Assistant Personnel Officer at Delhi has been holding this post?

(b) How long did he work in the same place as Superintendent before he was promoted as Assistant Personnel Officer?

(c) How long do the Railway administration want to keep him at Delhi?

(d) Is the Honourable Member prepared to lay down a definite policy for transfers so that Divisional Personnel Officers, Assistant Personnel Officers, and Head Clerks of establishment branches should have a change after three years?

The Honourable Sir Andrew Clow: (a) Since 1st April, 1937

(b) For about a year and ten months

(c) As long as it will serve the best interest of the service

(d) No

EXAMINERS FOR APPENDIX D EXAMINATION

153. *Mr H M. Abdullah. (a) Will the Honourable Member for Railways state on what basis the examiners for Appendix D examination are appointed?

(b) What was the number of Muslim examiners for the examination held in November, 1940?

(c) Is the Honourable Member aware of the fact that the preponderance of one particular community among examiners is discouraging the Muslim staff to take this examination?

(d) Are Government prepared to revise the rules of appointing examiners for this examination in order to take a good number of Muslim examiners?

The Honourable Sir Andrew Clow: (a) Suitable officers in the Railway Accounts Department are appointed as examiners the selection being made with the approval of the Financial Commissioner, Railways

(b) Three (out of a total of seven examiners including one European, one Indian Christian and two Hindus)

(c) The question does not arise. There is no preponderance of one particular community among the examiners

(d) Government do not consider any revision of the existing procedure necessary

WAR ECONOMY ON STATE RAILWAYS AND PURCHASE OF RAILWAY MATERIALS

154 *Mr Amarendra Nath Chattopadhyaya: (a) Will the Honourable Member for Railways be pleased to state the amount saved by reduction of the size of the Railway budget papers to be presented to the Legislative Assembly, as per memorandum passed by the Standing Finance Committee for Railways on the 22nd November, 1940?

(b) What other steps have been taken to cut down the expenses of the Railways managed by Government on account of war economy?

(c) What is the total amount of purchases of Railway materials already made since 22nd November and up to date, and have all purchases been made of Indian manufacturers? If not, what is the percentage of purchases of Indian manufactured materials?

(d) If any material for Railways has been purchased from countries outside India, which are those countries and what materials have been purchased, and what was the amount of purchase?

The Honourable Sir Andrew Clow: (a) The saving resulting from the proposal to which reference is made is estimated at Rs 430

(b) Reference is invited to para 14, Chapter I of the Report on Indian Railways Volume I for 1939-40 a copy of which will be found in the Library of the House

(c) and (d) The Honourable Member is referred to paras 85 and 86, Chapter VII of the Report on Indian Railways, Vol I 1939-40, covering the financial year in question. Detailed information in regard to the purchases between 22nd November and present time are not readily available and could not easily be compiled

TECHNICIANS OR MECHANICAL ENGINEERS FOR RESEARCH WORK UNDER THE CENTRAL STANDARDS OFFICE

155 *Mr. Amarendra Nath Ghastopadhyaya: (a) Will the Honourable Member for Railways be pleased to state what achievements have been effected by the use of Dynamometer Car by the Dynamometer Officer since his appointment in 1935?

(b) Is there any Indian technician or mechanical engineer appointed for research work under the control of the Central Standards Office?

(c) If the answer to part (b) be in the affirmative, what are the qualifications of that person?

(d) If the technicians or mechanical engineers are all Europeans, what are their qualifications?

The Honourable Sir Andrew Clow. (a) Twenty-three Dynamometer car trial reports have been issued since 1st January, 1935, the information contained in these reports has already proved of value to Railways in determining the weights and speeds of trains that can be hauled by the different classes of locomotives, it has also influenced the design of new locomotives and enabled expenditure to be avoided on special equipment shown to be uneconomic in operation. In the future the data accumulated will be of value in solving various problems awaiting investigation

(b) Nine Indian technicians are employed in the Research Branch of the Central Standards Office

(c) The staff, where necessary, have been given special training to make them suitable for work they are required to undertake

(d) Does not arise

Babu Baijnath Bajoria: What is a Dynamometer car?

The Honourable Sir Andrew Clow: It is a very technical matter which could not easily be explained in a brief reply

Babu Baijnath Bajoria: Does the Honourable Member himself know it thoroughly?

The Honourable Sir Andrew Clow: I do not know it thoroughly. It is mainly a car designed for researches into matters concerning power.

Mr M. S. Aney: May I explain, Sir, on behalf of the Honourable Member?

The Honourable Sir Andrew Clow: Certainly.

Mr. M. S. Aney: An Engineer was especially brought before the Standing Finance Committee for Railways to explain to us what the Dynamo was. We heard him for half an hour, and we said we understood it.

The Honourable Sir Andrew Clow. I have been more truthful!

(Dr. Sir Ziauddin got up to speak.)

Mr President (The Honourable Sir Abdur Rahim) Does the Honourable Member wish to explain the Dynamometer car?

Dr. Sir Ziauddin Ahmad: Yes, Sir. It is really a car to test the Dynamos which are fixed to these carriages. That is all.

Mr J. H. F. Raper: Sir, that is altogether wrong.

PROGRAMME OF RAILWAY RESEARCH WORK

156 *Mr. Amarendra Nath Chattopadhyaya: With reference to the Annexure A—page 7 of the Proceedings of the meeting of the Standing Finance Committee for Railways, dated the 22nd November, 1940, giving 25 items of proposed programme of research under Mechanical Engineering Branch and eleven items under Civil Engineering Branch, will the Honourable Member for Railways be pleased to lay on the table a list of items taken up already in both the branches and the results of researches arrived at up to the present?

The Honourable Sir Andrew Clow. I lay on the table of the House a statement showing the present position of the items of proposed programme of research under Mechanical Engineering and Civil Engineering branches.

Creation of a permanent research organisation for Indian Railways

MECHANICAL ENGINEERING BRANCH

The Mechanical Research Branch was formed on 1st January 1941 and dynamometer car trials with a modified locomotive are now in progress. These trials, which are expected to throw considerable light on items 13 to 17 in the proposed programme of research, will be completed by 31st March, 1941 and the report of the trials should be available in August, next. The collection of data in connection with items 2 and 4 to 8 is also proceeding.

CIVIL ENGINEERING BRANCH

The two Civil research officers are still fully employed on experimental work in connection with the oscillation trials of locomotives. The opportunity is, however, being taken during the progress of these trials to collect data in connection with item 3 in the proposed programme of research and special apparatus is now being fabricated for this purpose. The collection of data in respect to item 5 is also proceeding.

PERCENTAGE OF LOWER GAZETTED AND SUPERIOR REVENUE SERVICES FIXED FOR PROMOTION FROM THE RANKS

157. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Communications be pleased to state what percentage of lower gazetted and superior revenue services has been fixed for promotion from the ranks?

(b) If fixed ratio is not complete, or is not up to the cadre, are Government prepared to have it completed at an early date?

(c) Are Government prepared to fix fifty per cent. of the cadre of lower gazetted service to be filled by promotions from subordinates?

The Honourable Sir Andrew Clow: (a) The Lower Gazetted Service is almost exclusively filled by the promotion of non-gazetted staff, there is no percentage fixed for the promotion of non-gazetted staff direct to the superior service.

(b) and (c) These parts of the question are not clear. There is no "fixed ratio" of posts to be filled by promotion. Appointments to the lower gazetted service are almost exclusively made by promotion from the subordinate ranks. Government are not prepared to limit such promotions to 50 per cent. of the available vacancies.

PANEL SYSTEM FOR SELECTION TO LOWER GAZETTED SERVICE ON THE EAST INDIAN RAILWAY

158. *Mr. Muhammad Nauman: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the system of formation of panel for lower gazetted service on the East Indian Railway has been introduced since 1939 to give sufficient representation to the minority communities?

(b) What is the number of Muslims, Hindus and Anglo-Indians selected in this way since January 1939?

(c) What is the number of Muslims, Hindus and Anglo-Indians who were given chances in vacancies, who were selected and who were retained and again how many and of which communities were reverted in each category?

The Honourable Sir Andrew Clow: (a) No, as promotions are not made on communal considerations.

(b) and (c) I have called for information and will lay a reply on the table of the House in due course.

PANEL SYSTEM FOR SELECTION TO LOWER GAZETTED SERVICE ON THE EAST
INDIAN RAILWAY

159. ***Mr. Muhammad Nauman:** (a) Will the Honourable Member for Railways be pleased to state whether the panel formed for lower gazetted service on the East Indian Railway, since 1939, has given any relief to minorities?

(b) What is the requisite qualification for selection in Transportation, Commercial and General Branches of the Lower Gazetted Service on the East Indian Railway and was the same criterion observed in the past, while numerous Anglo-Indians were promoted?

(c) What probationary period is fixed for the lower gazetted service on the East Indian Railway?

The Honourable Sir Andrew Clow: (a) The panels are not formed for the purpose the Honourable Member has in view

(b) It is not possible precisely to specify the qualifications but experience, ability, personality and education are some of the criteria applied in making promotions. I have no reason to suppose that these were not followed in the promotions that were made in the past

(c) There is no 'probationary period' after promotion to the Lower Gazetted Service, but staff generally do not get such promotion till they have officiated for some time

Mr. Muhammad Nauman: With regard to part (b), may I ask whether the promotion is made by any Selection Board, or it is made by certain individuals?

The Honourable Sir Andrew Clow: I believe the officiating appointments are made by the General Manager after considering the views of the Heads of Departments in the first instance

Mr. Muhammad Nauman: Is it a fact that no Selection Board is appointed even for the final promotions?

The Honourable Sir Andrew Clow: No, I do not think there are Selection Boards for officers

Mr. Lalchand Navalrai: With regard to the last line of part (b), may I ask whether the same criterion has been observed in the past when numerous Anglo-Indians were promoted? Is the same criterion applied to all of them or is there any difference here also under the Government of India Act?

The Honourable Sir Andrew Clow: The same criterion is applied to all communities. The Government of India Act merely affects the proportion to be recruited

UNSTARRED QUESTIONS AND ANSWERS

LOCALISATION OF CADRES IN SUBORDINATE SERVICES OF ACCOUNTS DEPARTMENTS OF STATE RAILWAYS

15 Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state

- (a) if it is a fact that the principles of localisation of cadres in the subordinate services of the Accounts Department of each of the State-managed Railways was accepted by Government, if so, whether Government now propose to depart from this principle,
- (b) if it is a fact that some clerks have been or are proposed to be transferred from other Accounts offices to the office of the Chief Accounts Officer, East Indian Railway, Calcutta, if so,
 - (i) what is the special justification for doing so, and (ii) how many of them are the relations of the Chief Accounts Officer (Mr T R V Sarma), East Indian Railway, Calcutta, and
- (c) if it is a fact that there is a proposal to transfer Accountants and Sub-heads from other Railways to the office of the Chief Accounts Officer, East Indian Railway, Calcutta, if so,
 - (i) what is the justification for doing so, and (ii) how many of them are the relations of the Chief Accounts Officer (Mr T R V Sarma), East Indian Railway, Calcutta?

Mr. B. M. Staig. (a) Yes, no departure from the principle is contemplated. This does not preclude individual transfers in the interests of public service

(b) Yes. Four clerks from the Railway Clearing Accounts Office have been transferred on the recommendation of the Director of that office, two along with their work and two in the interests of service. None of these four clerks is related to the Chief Accounts Officer.

(c) In connection with a general scheme of interchange of outdoor and indoor staff with a view to improve efficiency, there is a proposal to exchange on a voluntary basis Accountants and Sub-heads of the Clearing Accounts Office with similar staff of the other Railway Accounts Offices including the office of the Chief Accounts Officer, East Indian Railway. None of the men whose names are under consideration for transfer to the East Indian Railway is related to the Chief Accounts Officer.

KEEPING IN ONE OFFICE RELATIONS OF THE HEAD OF THE OFFICE ON RAILWAYS

16. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state whether it is the policy of the Financial Commissioner for Railways to keep together in one office the relations of the Head of the Office on Railways under him? If not, will he please lay on the table a statement showing the community, caste or creed, and the province of domicile and birth, respectively, of the persons holding the following appointments in the office of the Chief Accounts Officer, East Indian Railway, Calcutta, on the 1st April, 1940, and on the 31st January, 1941.

- (a) the Chief Accounts Officer,

- (b) the Deputy Chief Accounts Officer,
 (c) Accounts Officer-in-Charge Establishment Section,
 (d) Senior and Junior Accountants, Establishment Section, and
 (e) Sub-heads, Administration Section?

Mr. B. M. Staig: The answer to the first part of the question is in the negative. With regard to the second part a statement showing the particulars required is placed on the table of the House

Statement							
1st April 1940				31st January 1941			
Designation	Name	Community, caste or creed	Province of domicile and birth	Name	Community, caste or creed	Province of domicile and birth	
C A O	Mr T R V Sarma	Hindu	Madras	Mr T R V Sarma	Hindu	Madras	
Dy C A O (G B)	Mr C Bhaskaraiva	Hindu	Madras	Mr K R Rama Iyer	Hindu	Madras	
Dy C A O (Traffic)	Mr K R Rama Iyer	Hindu	Madras	Mr N K Sen	Hindu	Bengal	
A O, Estt	Mr M R Swamina than	Hindu	Madras	Mr P N Bose	Hindu	Bengal	
Sr Acctt Estt	Mr P N K Iyer	Hindu	Madras	Mr h M Mukherji	Hindu	Bengal	
Jr Acctt Estt	Mr R E Nissen	Anglo Indian (Domestic Euro-pean)	Madras	Mr D C Mitra	Hindu	Bengal	
Sub-head, Admn (G B)	Mr P V V Raghavan	Hindu	Madras	Mr K L Chakrabarty	Hindu	Bengal	
Sub head Admn (T A)	Mr S Ghosh	Hindu	Bengal	Mr P V V Raghavan	Hindu	Madras	

PUBLICATION CONTAINING CERTAIN RAILWAY SERVICES RULES

17. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please refer to Part IV—Railway Services Class II—of the Railway Services (Classification, Control and Appeal) Rules and state the particulars of the publication in which the rules, referred to in the said Part IV, and made by the Governor General in Council or by the Railway Board and the Railway Administrations are to be found?

The Honourable Sir Andrew Clow: The State Railway Establishment Code, Volumes I and II (1940 edition), copies of which are in the Library of the House

ELIGIBILITY FOR SELECTION POSTS OR GRADES OF CERTAIN NON-GAZETTED SERVICES ON STATE RAILWAYS

18. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state whether a person, holding an appointment (temporary, officiating, provisional or permanent substantively) in the following classes of Non-Gazetted Railway Services on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways, is eligible for selection and subsequently for appointment in the selection post or grade (as referred to in the statement of the information given in this House on the 5th November, 1940, in reply to unstarred question No 11, asked on the 6th February, 1940) —

- (a) Signaller, Assistant Head Signaller, Assistant Station-Master (Lower grade), Station Master (Lower grade), Assistant Station Master (Higher grade), Assistant, Deputy and Section Controller and Assistant Yard Foreman or Master,

- (b) Probationary Guard, Goods, Passenger, Express and Mail Guard;
- (c) Assistant Number Takers, Number Takers, Head Number Takers and Trains Clerk,
- (d) Ticket Collector, Travelling Ticket Inspector, Train Conductor, Crewman and Crew-in-Charge,
- (e) Assistant Booking Luggage and Parcel Clerk, Tally Clerk, Assistant Transshipment and Goods Clerk, Relieving General Clerk, Senior Assistant Booking Clerk, Transshipment and Goods Clerk, and
- (f) Clerk (Office)?

The Honourable Sir Andrew Clow: Temporary staff are not ordinarily eligible for promotion to selection grades. Other staff are, generally speaking, eligible if they have the necessary qualification and the posts lie in their own channel of promotion. But ordinarily men in the lower grades would have to attain a sufficiently high grade and seniority before being considered for selection posts.

ELECTRICAL RATES CHARGED BY RAILWAYS AND OTHER ELECTRICITY PRODUCERS AT HOWRAH

19. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state the rate charged by the Railways and the electricity producers and suppliers at Howrah (Bengal) from the consumers (public, Railway servants and Railway Refreshments Rooms separately)?

The Honourable Sir Andrew Clow: The information is being obtained and will be laid on the table in due course.

CLASSES IN NON-SELECTION POSTS OR GRADES FOR WHICH SELECTION-cum-EXAMINATION METHOD IS PRESCRIBED ON STATE RAILWAYS

20. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please refer to Rule 5 of Appendix XXII of State Railway Establishment Code (1938) and state the particulars of "any other class" in non-selection posts or grades for which the General Managers of the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways have prescribed the selection-cum-examination method together with the date of such prescription?

The Honourable Sir Andrew Clow: As far as the information with Government goes, only 'Apprentice Mechanics' on the Great Indian Peninsula Railway.

GRADING OF THE STRENGTH OF NON-GAZETTED RAILWAY SERVICES

21. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state the policy or principles laid down by the Railway Administration and by the Governor General in Council, respectively, for grading the strength of non-gazetted services (that is, dividing the strength of a class, cadre, branch, group or department into different grades or scales of pay) on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways?

The Honourable Sir Andrew Clow: The guiding criterion is the amount and nature of the work to be performed, the application of this criterion

is a matter within the competence of Railway Administrations. Ordinarily there are incremental scales in the earlier years and fixed grades thereafter.

PANEL SYSTEM FOR NON-GAZETTED RAILWAY SERVICES

22. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state

- (a) the policy or principle laid down by the Governor General in Council and by the Railway Administration, respectively for creating "Panel" in posts in a class, cadre, grade, scales of pay, branch, group or department of non-gazetted Railway services on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways,
- (b) the procedure or rule prescribed for selecting staff for the "Panel",
- (c) the description and particular of the posts for which "Panel is created" with the dates of the creation of the "Panel" for a post,
- (d) the procedure or rule made for the removal of staff from the "Panel" and
- (e) the reasons for creating "Panels" in subordinate services not eligible for selection in lower gazetted services?

The Honourable Sir Andrew Clow: (a) The Governor General in Council has prescribed no such rules, Government have no information as to whether railways have issued any instructions, but such 'panels' can be formed for any selection grade or post.

(b) There is no specific rule but the procedure relating to Selection Boards will ordinarily apply.

(c) Government have no information.

(d) Government have made no such rule, but staff who are placed on the panel may be removed from it if they subsequently become ineligible for the promotion.

(e) It obviates the necessity for convening Selection Boards on every occasion when a vacancy has to be filled.

PASS INSPECTORS AND PERSONNEL INSPECTORS ON EAST INDIAN RAILWAY.

23. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state

- (a) the date on which the posts of Pass Inspector and of Personnel Inspectors on the East Indian Railway were created,
- (b) the scales of pay sanctioned for those posts,
- (c) the qualifications required for those posts,
- (d) the conditions of service and nature of employment, and
- (e) the rules prescribed for recruitment and advancement in those posts?

The Honourable Sir Andrew Clow: (a) The posts of Pass Inspectors were created on 17th May, 1940. One post of Personnel Inspector was created on 14th May, 1938 and two others on 18th September, 1940.

(b) Rs 260—20—340 The post of Personnel Inspector created in 1938 was first on a fixed pay Rs 280, which was later increased to Rs 300, and finally placed in May, 1940, on the scale of Rs 260—20—340

(c) The Pass Inspector is required to have a thorough knowledge of pass regulations while the Personnel Inspectors are required to have a sound knowledge of establishment rules and particularly the Hours of Employment Regulations and the Payment of Wages Act and Rules

(d) The conditions of service are the same as for other subordinates, the nature of the duties has been specified in the reply to part (c)

(e) These posts are filled by selection, there is no particular avenue of advancement specified

SCALES OF PAY OF STENOGRAPHERS ON STATE RAILWAYS

24. Mr. Govind V. Deshmukh Will the Honourable Member for Railways please state the scales of pay sanctioned for

- (a) the stenographer, General Manager's office,
- (b) the stenographers, Accounts Department,
- (c) the stenographers in other offices, Branches and Departments, on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways before 1929 and after 1929 respectively,
- (d) the qualifications required and method of recruitment to those posts,
- (e) the nature of employment of those posts, and
- (f) the reasons for the difference, if any, in scales of pay, qualifications, method of recruitment and nature of employment of those posts?

The Honourable Sir Andrew Clow I have called for information and will lay a statement on the table of the House in due course

PERSONNEL AND RESEARCH BRANCHES ON STATE RAILWAYS.

25. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state

- (a) the date on which Personnel and Research Branches were created on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways,
- (b) the number of staff employed as gazetted and non-gazetted railway servants,
- (c) the scales of pay sanctioned for the staff,
- (d) the designation of the staff,
- (e) the nature of employment of the staff in the designation, and
- (f) the reasons for difference, if any, between different railways?

The Honourable Sir Andrew Clow: (a) Information is being obtained as far as Research Branches on the Railways are concerned There is no Personnel Branch on the Great Indian Peninsula Railway Personnel

Branches were introduced on the North Western, East Indian and Eastern Bengal Railways in October 1924, February 1936 and early in 1980 respectively

(b), (c), (d) and (f) I have called for information relating to the research and headquarters personnel offices and will lay a further reply in due course

(e) The staff do the work ordinarily done by staff with similar designations

RAILWAY NON-GAZETTED SERVICES AND COMMUNAL PERCENTAGE.

26. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please lay on the table of this House a statement showing the appointments in non-gazetted services on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways, to which direct and indirect recruitment and promotions, respectively, are made according to communal percentage?

The Honourable Sir Andrew Clow: The rules regarding the representation of minority communities apply to all the initial grades of subordinates to which direct recruitment is made, as also to certain intermediate grades, specified in the reply to Dr. P. N. Banerjee's unstarred question No. 11 put on the 5th November, 1940. These rules do not apply to promotions. I do not know what is meant by indirect recruitment.

RULES FOR ALLOTMENT, ETC., OF RENT-FREE OR RENTED RAILWAY QUARTERS.

27. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please obtain and lay on the table the rules prescribed by the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways for the allotment, transfer and vacation of rent-free railway quarters or those for which rent is to be charged for both gazetted and non-gazetted staff, separately, and, if no rules are prescribed, what are the reasons therefor?

The Honourable Sir Andrew Clow: Copies of the rules have been called for from the Railway Administrations and if they can be received in convenient form, they will be placed in the Library in due course.

SENIORITY OF NON-GAZETTED STAFF ON AMALGAMATION OF THE OUDH AND ROHILKHAND AND THE EAST INDIAN RAILWAYS

28. Mr. Govind V. Deshmukh: (a) Will the Honourable Member for Railways please state if it is a fact that Grade A (Highest) of non-gazetted services on the Old Oudh and Rohilkhand Railway is equal to Grade I (Highest) of non-gazetted services on the Old East Indian Railway (Company-management), if not, what is the equal grade of those two Railways?

(b) How was seniority reckoned on and after amalgamation of these two Railways in each grade, that is, grades A, B, C, D, E, F, G, H on Old Oudh and Rohilkhand Railway and Grades I, II, III, IV, V on East Indian Railway (State-managed)?

The Honourable Sir Andrew Clow: (a) On the assumption that the Honourable Member is referring to Train Examiners. The answer to the first part is in the negative, grade II of the old East Indian Railway scale is equivalent to grade A of the Old Oudh and Rohilkhand Railway scale.

(b) The Honourable Member is referred to the reply to unstarred Question No 84 asked by Bhai Parma Nand on the 16th November, 1940

CERTAIN SUPPLEMENTARY INSTRUCTIONS CONCERNING DEPARTMENTAL ENQUIRIES ON STATE RAILWAYS

29. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state if any instructions have been issued in the Supplement to Rule 686 of the State Railway Establishment Code (1938) providing for (a) the issue of a charge sheet on the conclusion of the enquiry in connection with the charges (for which explanation has already been received before the enquiry is ordered) that are proved or are considered proved in the enquiry, and (b) the accused official having the right of getting copies of evidence, findings and other depositions on record of the Inquiry Committee or enquiring official, free of cost and obligation? If not, why not and what reasonable facilities are provided for the accused subordinate in preparing his defence and in preferring an appeal against the evidence, and finding of the Inquiry Committee or Enquiring official upon whose report the penalty, if any, is imposed?

The Honourable Sir Andrew O'ow: No instructions have been issued to supplement paragraph 686 of the State Railway Establishment Code (1938), in the manner suggested by the Honourable Member, as it is not considered necessary. As regards the last part, paragraph 686 itself specifies the facilities which are considered reasonable in addition to which the employee is now permitted to cross-examine witnesses.

PANEL SYSTEM FOR NON-GAZETTED STAFF ON EAST INDIAN RAILWAY

30. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state

- (a) if it is a fact that the East Indian Railway do maintain "Panels" of approved non-gazetted staff selected for promotions to the Lower Gazetted Service, if not, how promotions are regulated,
- (b) if it is a fact that separate "Panels" are maintained for Operating, Commercial, Personnel and Watch and Ward Departments, if not, whether the posts in those departments are interchangeable,
- (c) the qualifications prescribed for those departments separately,
- (d) the reasons for not amalgamating these departments under one head, and
- (e) whether Government now propose to prescribe separate "Panels" for each department, if not, why not?

The Honourable Sir Andrew Glow: (a) Yes, the latter part does not arise

(b) The answer to the first part is in the negative, but a subordinate is only promoted to the Department for which he is considered suitable, as regards the latter part the answer is in the negative, although a person may be suitable for promotion to more than one Department

(c) It is not possible precisely to specify the qualifications, but experience, ability, personality and education are some of the criteria applied in making promotions

- (d) It is not administratively advantageous to do so
- (e) No, as they do not consider it necessary

**BLOCK IN PROMOTION OF THE EMPLOYEES IN THE COMMERCIAL DEPARTMENT
EAST INDIAN RAILWAY**

31. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways be pleased to state

- (a) if it is a fact that two non-gazetted employees of the Accounts Department on the East Indian Railway have recently been promoted in officiating vacancies in the Lower Gazetted Service and are attached to the office of the Chief Commercial Manager, if so, whether this is their normal avenue of advancement and whether no subordinates in the Commercial Department with required qualifications were eligible for selection in that Department, and
- (b) if he is prepared to take action against the block in promotion of the employees in the Commercial Department, particularly in case of those whose names are borne on the panel and are awaiting promotions? If not, why not?

The Honourable Sir Andrew Clow: (a) The answer to the first part is in the affirmative, the Lower Gazetted Service is not the normal channel of promotion of any particular class of subordinates. The reply to the last part is in the affirmative.

(b) No action is necessary, the staff referred to are considered when selections are made for promotion to the Lower Gazetted Service.

**APPOINTMENT OF A WATCH AND WARD INSPECTOR AS AN ASSISTANT
PERSONNEL OFFICER AT ALLAHABAD**

32. Mr. Govind V. Deshmukh: (a) Will the Honourable Member for Railways please state if it is a fact that the East Indian Railway has recently appointed a Watch and Ward Inspector to the post of an Assistant Personnel Officer at Allahabad?

(b) If the reply to part (a) be in the affirmative, what are the reasons for ignoring the claims of those who are in the Transportation and Commercial Branches and are senior to him in service and pay who could not be appointed as Assistant Personnel Officers?

The Honourable Sir Andrew Clow: (a) Yes

(b) Promotion to the Lower Gazetted Service is by selection.

**EXECUTIVE AND ASSISTANT ENGINEERS IN THE PERSONNEL DEPARTMENT OF
EAST INDIAN RAILWAY**

33. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state

- (a) the number of Executive and Assistant Engineers holding appointments in the Personnel Department of the East Indian Railway on 31st January, 1941, and

- (b) the reasons for employing technical experienced staff in the non-technical posts against non-technical staff available with resultant economy?

The Honourable Sir Andrew Clow: (a) One Executive Engineer (provisional rank) and five Assistant Executive Engineers

(b) It is administratively advantageous that technical staff should have experience of personnel work and though not essential, it is of assistance to personnel officers to be directly acquainted with outdoor working conditions

NORMAL CHANNEL OF PROMOTIONS ON STATE RAILWAYS

34. Mr. Govind V. Deshmukh: Will the Honourable Member for Railways please state if it is a fact that promotions or advancements to higher appointments on the Eastern Bengal, the East Indian, the Great Indian Peninsula and North Western Railways are, as an obligation on the railway, made from amongst the employees in the same class, cadre, branch, or department, according to the normal channel of advancement prescribed in the rules (Appendix XXII of the State Railway, Establishment Code) and, if not, the reasons therefor and for the necessity of prescribing a normal channel of advancement?

The Honourable Sir Andrew Clow: The channels of promotion are laid down to serve as a guide for the normal manner of promotion, but departures from them are permissible when the interests of the public service will be served thereby

UNSATISFACTORY PERFORMANCE OF THEIR DUTIES BY THE RAILWAY POLICE DEPARTMENT

35. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please refer to paragraph 279 on page 149 of the East Indian Railway Standing Orders of the Operating Department 1929 (reprinted 1939) viz. "and to generally preserve the travelling public from the activities of pick-pockets and other bad characters to act as official witnesses in the search for and inventory of lost luggage, etc., to prevent the boarding of trains from the off side at stations for dishonest purposes and to assist in enforcing the Railway Act" and state whether it is not the duty of the Railway Police Department to keep the platforms and station surroundings and buildings free from professional and other beggars? If not, whose duty is it?

(b) Is it not the duty of the Railway Police Department to prevent the overcrowding of compartments by enforcing sections 93 and 102 of the Railway Act?

(c) Will he please lay on the table the statement of prosecutions and convictions under sections 93 and 102 of the Indian Railways Act, 1890 since 1890 or as far near as possible, and if no convictions and prosecutions are made, what are the reasons therefor?

The Honourable Sir Andrew Clow: (a) This is one of the duties of the Railway Police

(b) No

(c) No case has come to my notice in which prosecution was desirable and so far as I am aware there have been no prosecutions in recent years

GOVERNMENT OF INDIA PUBLIC WORKS DEPARTMENT CIRCULAR OF 26TH JULY, 1883

36. Maulvi Muhammad Abdul Ghami: Will the Honourable Member for Railways please lay on the table the Government of India Public Works Department circular No XXIII-Railway, dated Simla, the 26th July, 1883, and if not, why not?

The Honourable Sir Andrew Glow: I regret I cannot place a copy of the circular on the table of the House as it was not intended for publication and is in any case obsolete

STAFF IN CONTROL DELHI AREA AND IN DOUBLE LINE SECTION.

37. Maulvi Muhammad Abdul Ghami: Will the Honourable Member for Railways please lay on the table a statement showing *inter alia*

- (a) the number of the staff in the Control Delhi Area on the North Western Railway, nature of their duty, hours of their employment, and scales of their pay,
- (b) the number of the staff employed in Double Line Sections on the North Western Railway, nature of their duty, hours of their employment scales of their pay,
- (c) the difference, if any, in nature of duty, in hours of employment, and in scales of pay of the staff employed as referred to in parts (a) and (b) and the reasons therefor,
- (d) the responsibilities considered higher according to Fundamental Rule 22 of the staff referred to in parts (a) and (b) and the reasons therefor,
- (e) whether it is a fact that the staff at Lahore are employed in rotation for the duty of a Train Despatcher amongst Train Despatchers, Assistant Station Masters, Station Masters and Controllers, and, if not, what is the system of working in Lahore Division, and
- (f) the reasons for the difference, if any, in the working of the system (Train Despatch) between Lahore and Delhi Divisions?

The Honourable Sir Andrew Glow: (a) There are four Assistant Controllers in the scale of Rs 260—10—300, they work in shifts of six hours Their duties are concerned with the movement and control of trains

(b) Information is not readily available with Government in respect of the number of staff employed in the Double Line sections The duties of Assistant Controllers are the same as in (a), and there are Chief and Deputy Controllers who perform supervisory duties in connection with the control Except on the Ludhiana-Saharanpur Section, Deputy and Assistant Controllers work in shifts of eight hours, the shifts are six hours on the Ludhiana-Saharanpur Section

(c) There is no difference in the nature of the duties, nor in the scales of pay. As for hours of duty the difference is due to the difference in the traffic controlled.

(d) There is no difference in the responsibilities, the latter part does not arise.

(e) The answer to the first part is in the negative, as regards the latter part, staff are employed in the duties attaching to their designations, and do not change to other duties.

(f) There is no difference in the system of working on the two divisions.

ASSISTANT STATION MASTERS AND ASSISTANT CONTROLLERS ON NORTH WESTERN RAILWAY

38. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please refer to circular No 681-P/O, dated the 8th October, 1938, regarding Assistant Station Masters and Assistant Controllers, issued by the Divisional Personnel Officer, Delhi on the North Western Railway, and state whether the devaluation of Grade V (260—10—300) to Grade IV (200—10—250) affected a whole class or grade of employees?

(b) Are Assistant Station Masters (higher grade) and Assistant Controllers considered in the same category for normal advancement to Station Masters (higher grade)?

(c) What are the reasons for devaluating the Grade?

(d) There is no difference in the responsibilities, the latter part does increment, on re-promotion and given the pay in Grade IV (200—10—250) to be accounted for when Grade V is devaluated?

The Honourable Sir Andrew Clow: (a) The abolition of grade V of Assistant Station Masters did affect employees who might have been promoted to the grade had it continued to exist.

(b) The Honourable Member is referred to the reply given to part (b) of Mr Lalchand Navalrai's starred question No 208 asked on the 19th September, 1939.

(c) The grade was abolished as it was no longer considered necessary to retain it for Assistant Station Masters.

(d) Government have no information of any orders on the subject, but the General Manager will be asked to consider the question when cases arise.

ASSISTANT STATION MASTERS AND ASSISTANT CONTROLLERS ON NORTH WESTERN RAILWAY

39. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please state the next higher grade, class or cadre of promotion on the North Western Railway for (i) an Assistant Station Master, Grade IV and V, respectively, and (ii) an Assistant Controller (260—10—300)?

(b) Is the promotion to a higher grade, class or cadre of an Assistant Station Master Grade IV or V and of an Assistant Controller (260—10—300) by seniority or by selection?

(c) Is subsequent selection for intermediate grades or scales of pay in the same class, or cadre-necessary after the initial appointment in the same class is made by selection?

(d) How is seniority reckoned in the class of Assistant Station Masters and Assistant Controllers, whose scales of pay are identical (260—10—300) and who are equally qualified and selected, for promotion to Station Masters (higher grade)?

(e) How is promotion made from that seniority?

(f) What are the reasons for deviating from the principles underlying the normal channel of further advancement laid in Appendix XXII (page 377) of the State Railway Establishment Code, by separating the identical classes eligible for promotion to one and the same class?

(g) Do Government propose to order the General Manager, North Western Railway to maintain a combined list of seniority of all staff irrespective of their class, cadre or grade who are eligible for common promotion? If not, why not?

The Honourable Sir Andrew Clow: (a) As far as Government is aware.

(i) Station Master grade V, there is grade V for Assistant Station Masters

(ii) Deputy Chief Controller

(b) By selection

(c) Selection is necessary for all posts designated as selection posts

(d) and (e) Government have no information, but promotion to selection posts is not regulated by seniority

(f) The channels of promotion given in the rules are only intended for general guidance and the administration has the right to depart from them when it is in its interest to do so

(g) No Government do not consider it necessary to take the action suggested

V P P SYSTEM AS REGARDS LIVE-STOCK AND POULTRY ON RAILWAYS

40. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to item "Poultry" on page 59, Chapter III of the Indian Railway Conference Association, Goods Tariff including the exceptional maxima authorized by the Railway Board and General Rules for acceptance, carriage and delivery of goods including variation to the classification and exceptions to the rules and rates to be used in through booking in force from 1st January, 1940, viz "S 1—Livestock including Fowl and Perishables under V P P System—Non-acceptance of—The railway will not accept the V P P System—Non-acceptance as regards live-stock including fowls and perishable" and state the reasons for not having the same rule in operation on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways?

The Honourable Sir Andrew Clow: The four State Railways mentioned in the question have not notified that they will not accept the V P P

system for bookings of live-stock, fowls and perishables, presumably because they have seen no sufficient reason for withholding the facility

OPERATION OF THE RULES re RENT-FREE QUARTERS ON STATE RAILWAYS.

41. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please refer

- (i) to the reply given to unstarred question No 80 asked in this House on the 16th November, 1940 regarding option to State Railway Employees to elect old or revised Rent Rules, viz 'No option was given to the staff but on this point, the attention of the Honourable Member is invited to paragraph 1904 of the State Railway Code for the Engineering Department which indicates the measure taken to avoid hardship to persons who had already enjoyed the concession of rent-free quarters or an allowance in lieu thereof', and
- (ii) to the circular No E11G/Rent, dated the 6th August, 1940, issued under the signatures of "G W Watkins" in the name of "J G Gibson" Divisional Superintendent, East Indian Railway, Lucknow regarding occupation of railway quarters by the staff while on leave, viz "the rules contained in the State Railway Rent Rules have been superseded by the Chapter on 'Building and Rents' contained in the State Railway Code for the Engineering Department. The latter rules do not provide for the privilege of granting free quarters to employees while on leave. Therefore with effect from 1st July, 1940 the rent at the pooled rate must be recovered from all the State Railway Employees who are enjoying the privilege of rent-free quarters, whenever they proceed on recorded leave of whatever duration, i.e., on any leave except casual leave"
- (b) Is it a fact that State Railway Employees before the rules contained in the State Railway Code for the Engineering Department and before the issue of the circular did enjoy the privilege of free quarters while on leave to the extent of four months at a time and to the unlimited extent on medical certificates while sick and under medical observations?
- (c) Is it a fact that the employees taken over from the East Indian Railway Company Management are not included in the circular and the rent is not recovered from them under the terms of the circular?
- (d) Is it a fact that the employees taken over from the East Indian Railway Company Management have agreed with the Government of India in their service agreements, that they will be governed by the revised State Railway Rent Rules, when issued, which were under consideration at the time the terms were offered to them?
- (e) What are the reasons for the discrimination between the reply and the circular and between the State Railway staff and the staff taken over from the old East Indian Company?
- (f) What was the action taken by Government to remove the discrimination and if no action has been taken, why not?

The Honourable Sir Andrew GLOW: I am obtaining information from the East Indian Railway administration and a reply will be laid on the table in due course

CONFIRMATION IN HIGHER GRADES FROM THE HOWRAH GOODS STAFF.

42. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please refer to the circular No E-Mis -48, dated the 10th June, 1939 issued by the Divisional Superintendent, East Indian Railway, Howrah, regarding Goods Account Examination—Lower Standard, *viz*, "No permanent promotions can be made to the post of Goods Clerks until the men have passed the Goods Account Examination (Lower Standard) within three months on being promoted failing the next man will be promoted. All goods shed staff in grades higher than the lowest grade, *i.e.*, Rs 30—4—70 old East Indian Railway or equivalent revised and 'new grades and all goods clerks irrespective of their grades must pass the goods accounts examination (Lower Standard) before they can be confirmed in their posts", and state

- (a) the number of the staff of Howrah Goods confirmed in grades higher than the lowest who have not passed this examination, and the reasons therefor,
- (b) the number of the staff of Howrah Goods, who have passed this examination and are working in lower grades,
- (c) whether it is a fact that the following staff of Howrah Goods who have not passed this examination (as per Divisional Superintendent's Minute Sheet No EHE/2/40, dated the 2nd July, 1940, are employed in grades higher than the lowest for more than three months
 - (i) In grades Rs 230, Messrs N Sen, P N Benbou, Muhammad Ghias-ud-Din, S K Mukerjee, E C Colman, H C Shaw and Panna Lal, and
 - (ii) in grades Rs 150, Messrs D N Choudhury, Dr Manna and P B Bose, if not, what are the true facts?
- (d) if it is a fact that the Divisional Superintendent in his Minute Sheet No EHG/262, dated 5th February, 1940 has declared them "not selected and unsuitable" for higher appointments, and, if not, what are the true facts; and
- (e) the reasons for not appointing the staff, who have passed this examination in place of those who have not passed this examination, in grades higher than the lowest?

The Honourable Sir Andrew Clow: I have called for information and a reply will be laid on the table of the House in due course

RECRUITMENT TO THE MINISTERIAL ESTABLISHMENT OF THE TELEPHONE REVENUE ACCOUNTS OFFICE, DELHI

43. Bhai Parma Nand: (a) Will the Honourable Member for Communications please state whether it is a fact that the Telephone Revenue Accounts Office, Delhi, is a part of the Director General, Posts and Telegraphs, New Delhi, and that the recruitment to the latter office is based on the communal ratio fixed for the Centrally administered departments?

(b) Is it a fact that the recruitment to the ministerial establishment of the Telephone Revenue Accounts Office is based on the ratio fixed for the Government of the Punjab?

(c) If the replies to parts (a) and (b) be in the affirmative, will Government please state how they reconcile the position as regards the recruitment to the Telephone Revenue Accounts Office on the basis fixed for the Government of the Punjab, and how and when Government propose to rectify the mistake?

(d) If the reply to part (b) be in the negative, will Government please state how many appointments were made in the ministerial establishment of the Telephone Revenue Accounts Office in the years 1937-38, 1938-39 and 1939-40, giving the number of clerks so employed community wise?

The Honourable Sir Andrew Clow: (a) The Telephone Revenue Accounts Office is not a part of the Office of the Director General Posts and Telegraphs, New Delhi. Recruitment to the latter office is based on the communal ratio fixed for the centrally administered Departments.

(b) No. Recruitment to the ministerial establishment of the Telephone Revenue Accounts Office, Delhi, is based on the communal ratio prescribed for the Punjab and North-West Frontier Postal Circle.

(c) The question does not arise.

(d) The information required by the Honourable Member is available for calendar years only and is as follows:

Year.	Total number of vacancies filled	Hindus	Muslims	Anglo Indians	Sikhs	Indian Christians
1938	54	21	27	1	2	3
1939	26	5	19	1	1	
1940	22	8	11	1	1	1

N.B.—Figures include both permanent vacancies and temporary vacancies likely to become permanent.

RAILWAY ACCIDENT BETWEEN HARANGAU AND FEROZABAD STATIONS, EAST INDIAN RAILWAY

44. Maulvi Muhammad Abdul Ghami: (a) Will the Honourable Member for Railways please state whether it is a fact that an accident took place on 20th January, 1941, at about 8-30 p.m. between Harangau and Ferozabad Railway Stations on the East Indian Railway, resulting in injuries to passengers of No. 144 Down Passenger train?

(b) Is it a fact that the Senior Government Inspector enquired into the accident on the 26th January, 1941?

(c) Is it a fact that both the stations are worked by double line system?

(d) Is it a fact that an automatic block is caused by the Electric Block System installed between the two stations?

(e) Is it a fact that the Block Instruments fixed at the two stations are protected from use by any unauthorised person? If so, will he please state the particulars of the protection?

(f) Is it a fact that the Station Masters of the two stations are required to leave the Block Instruments for the performance of their duties on the platform and outside the rooms?

(g) Has the Senior Government Inspector submitted his report of enquiry? If so, what is the finding given by him and the cause of the accident described by him and who is held responsible by him?

The Honourable Sir Andrew Clow: (a) and (b) Yes

(c) to (g). The information is not available but the Senior Government Inspector's report which is expected shortly will probably contain information enabling me to lay a reply on the table

**ELECTRICAL BLOCK INSTRUMENT SYSTEM ON STATE RAILWAYS FOR
PREVENTION OF ACCIDENTS**

45. Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways please state whether it is a fact that the object of "Electrical Block Instrument" on the Eastern Bengal, the East Indian, the Great Indian Peninsula and the North Western Railways is "to guard against two trains being admitted into a Block Section at the same time"?

(b) Is it a fact that a "Block Instrument without lock" is not according to the object of "Electrical Block Instrument" inasmuch as it does not guard against two trains being admitted into a Block Section at the same time?

(c) Is it a fact that the Block Section between Tundla and Cawnpore on the East Indian Railway is provided with "Block Instrument with lock"?

(d) Will the Honourable Member please state the particulars of the precautions against accidents or collisions of trains provided in "Block Instruments without lock", and if no preventive device is provided within it, what are the reasons therefor?

The Honourable Sir Andrew Clow: (a) and (b). The object of Electrical Block Instruments is to assist the staff in the observance of the General Rules governing the working of the absolute Block system by providing a visual indication of the state of the Block Section

(c) No

(d) The precautions against accidents or collisions are provided in the General Rules relating to the working of the Absolute Block system. Block instruments without Lock are in themselves a preventive device. The second part of the question does not, therefore, arise

**SELECTION BOARDS OR COMMITTEES HELD IN DINAPORE DIVISION, EAST
INDIAN RAILWAY.**

46. Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state

(a) the number of selection boards or committees held since the present Superintendent, Transportation (Mr B N Ghose) assumed charge of his office in Dinapore Division on the East Indian Railway,

(b) the number of selection boards or committees in which he has taken part either as a Chairman or as a member;

(c) the number of candidates communitywise, who appeared before those boards or committees;

- (d) the percentage of "Bengalis" selected by those boards and committees, and
- (e) the reason for rejecting Muslims in large proportion by those boards and committees?

The Honourable Sir Andrew Clow: (a) to (e) Government do not receive reports of the proceedings of selection boards, and have no grounds whatever for believing that selections are not made otherwise than on the merits of the candidates. I am inquiring whether the proportion of Bengalis and Muslims selected by boards on this division during 1940 has been disproportionately large or small having regard to the candidates appearing, and if so, if there are any special reasons to account for this.

VAN SORTERS ON THE NORTH WESTERN RAILWAY

47. Mr. Lalchand Navalrai: (a) With reference to the Honourable the Railway Member's reply to part (b) of my unstarred question No 120 asked on the 20th November 1940, will he be pleased to state whether the Van Sorters on the North Western Railway revert to their former pay while proceeding on long leave, either privilege or leave on average pay, etc? If so, why and under what rules?

(b) What is implied by consolidated pay for Van Sorters? Will the Honourable Member please refer to the relevant rules on the point?

(c) Are the Van Sorters in receipt of the consolidated pay of Rs 80, considered as permanently promoted to that grade? If not, why not?

(d) Is it a fact that letters were issued to some of these Van Sorters that they were promoted 'On probation' to Rs 80 grade. If so, were such persons confirmed after the probationary period? If not, why not?

(e) Under what circumstances can the Van Sorters on consolidated pay be reverted to lower grades? In degrading them are the provisions of the rules issued under the Railway Board's letter No E-34/R G/6, dated the 22nd June, 1935, observed? If not, why not?

The Honourable Sir Andrew Clow: (a) The answer to the first part is in the affirmative. As staff are not promoted permanently to the posts of Van Sorters they revert to their substantive appointments when on leave, under Paragraph 2007 of the State Railway Establishment Code, Volume II.

(b) Consolidated pay means in this connection the pay fixed for the posts, the term consolidated pay does not occur in the rules.

(c) No, because the administration has not considered it desirable to make permanent appointments.

(d) So far as I have been able to ascertain, the answer to the first part is in the negative, the other parts do not arise.

(e) There is only one grade of Van Sorters, their reversion to their substantive posts does not fall under the rules referred to by the Honourable Member.

AMALGAMATION OF CLERKS, GRADES I AND II, IN DIVISIONAL OFFICES ON NORTH WESTERN RAILWAY.

48. Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that there is no difference in the duties of grade I and II clerks in Divisional Offices on the North Western Railway?

(b) If the reply to part (a) above be in the affirmative, why are grades I and II for this staff not being amalgamated as has been done in the case of Accounts Clerks on the North Western Railway, with effect from 1st January, 1935?

(c) If the reply to part (a) above be in the negative, will the Honourable Member please lay on the table of the House, a model copy of duty lists of grade I and II clerks in Divisional Offices?

(d) Is it a fact that all Divisional Superintendents have testified from time to time to the fact that there is no difference in the duties of grade I and II clerks in their offices?

(e) Is it a fact that Colonel Walton, former Agent, North Western Railway in his letter No 501-E /39 dated 22nd February, 1930, addressed to the Secretary, Railway Board, definitely stated that there was no difference in the duties of grade I and II clerks in Divisional offices? If so, when and how were the duty lists of grade I and II clerks revised so as to have material difference in duties, not justifying the amalgamation of grades?

The Honourable Sir Andrew Clow (a) and (c) I understand that duties are not specifically demarcated but the comparative strenuous of the two grades are regulated by the nature of the work to be done

(b) Because there is no sufficient ground for so doing and it would result in unjustifiable expenditure

(d) Government have no information

(e) I would refer the Honourable Member to the reply given to parts (c) and (d) of his question No 1046 of the 9th March, 1936

TRAVELLING ALLOWANCE ADMISSIBLE TO WORKS MISTRIES ON NORTH WESTERN RAILWAY

49. Mr. Lalchand Navalrai: Will the Honourable Member for Railways be pleased to state

(a) whether it is a fact that Works Mistries on the North Western Railway are paid travelling allowance on the same scale as is admissible to the members of subordinate staff,

(b) if the reply to part (a) above be in the affirmative, why Works Mistries are classed as members of Labour service,

(c) which other class of labourers employed on the North Western Railway are eligible to travelling allowance as admissible to members of subordinate services, and

(d) if the reply to part (c) above be in the negative, whether it is proposed to classify Works Mistries as members of subordinate service, if not, why not?

The Honourable Sir Andrew Clow: (a) Yes, but the question whether they should continue to enjoy this privilege is being examined

(b) Because the rate of travelling allowance paid is not one of the criteria for classifying staff as inferior or otherwise

(c) Permanent Way Mistries

(d) Does not arise

JUDGMENT OF THE CHIEF COURT OF SIND CONCERNING REDUCTION IN PAY OF A RAILWAY SERVANT.

50. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state whether it is a fact that the Chief Court in Sind has recently held that the pay of a Railway Servant cannot be reduced? If not, what are the facts?

(b) Will the Honourable Member please lay on the table of the House the judgment of the Chief Court referred to above?

The Honourable Sir Andrew Clow: (a) I have seen reports in the press of a judgment of the court relating to a temporary reduction in the pay of an engine driver. If these reports are accurate the court held on the facts before it that the reduction in this case amounted to a deduction which was not covered by section 7 or section 8 of the Payment of Wages Act, 1936. I do not read it as involving the generalization set out by the Honourable Member.

(b) No. Government have not received an authentic copy of the judgment and if it is treated as a reported decision it will be printed in the authorized law reports which are placed in the Library of the House.

RULES FOR RESERVATION OF BERTHS OR SEATS ON STATE RAILWAYS

51. Pandit Nilakantha Das: Will the Honourable Member for Railways please lay on the table a copy of the rules of procedure for reservation of berths or seats in any class on the Eastern Bengal, the East Indian, the Great Indian Peninsula, and the North Western Railways?

The Honourable Sir Andrew Clow: I would refer the Honourable Member to the rules regarding reservation of berths or seats which are incorporated in the respective time tables and guides of the Railways mentioned.

RAILWAYS CONDUCTING CENSUS OF RAILWAY PASSENGERS

52. Pandit Nilakantha Das: Will the Honourable Member for Railways please state

- (a) the particulars of the Railways who conduct quarterly, half yearly, or yearly census of the passengers travelling by each train,
- (b) the result of the census, and the action taken thereon,
- (c) the particulars of the staff employed for taking census, and
- (d) the cost of the census?

The Honourable Sir Andrew Clow: (a) All Class I Railways take a yearly census about the month of June, the Bombay, Baroda and Central India Railway take a half-yearly census usually about March and September each year. No Class I Railways conduct a quarterly census.

(b) The results of the census are placed by each Railway before their Local Advisory Committees and copies are also sent to the Railway Board's office where they are examined and action taken where considered necessary. These details are too voluminous to be incorporated in the proceedings of the House but are available for inspection, should the Honourable Member so desire, at any time in the Railway Board's office. I

lay on the table, however, a brief summary of the results of the census taken by Class I Railways in 1940. Where overcrowding is detected action is taken by the Railway Administrations to increase accommodation when necessary.

(c) and (d) The information is not available.

Statement showing results of census taken by class I Railways during 1940

Railway	Total number of trains checked	Number of trains in which overcrowding was detected
1 B, B & C I (Feb & March)	B G 48	9
	M G 44	Nil
2 A B	1,143	24
3 B & N W and R & K	636	Nil
4 B N	B G 1,387	2
	N G 364	34
	B G 294	9
	M G 208	3
6 E I	5,168	180
7 G I P	4,246	12
8 M & S M	B G 105	11
	M G 126	3
9 N W	1,112	11
10 S I	B G 876	Nil
	M G 1,903	1
11 B, B & C I (August & September)	B G 66	Nil
	M G 44	7

**SUB-LETTING OF CONTRACT BY BALLABHDAS ESWARDAS, VENDING
CONTRACTOR OF DELHI STATION**

53. Pandit Nilakantha Das: Will the Honourable Member for Railways please state

(a) whether it is a fact that Ballabhdas Eswardas vending contractors of Delhi Main Station on the North Western Railway, have sub-let the supply and vending of (i) milk, (ii) sweetmeats, (iii) *poorees*, (iv) *dahi-pakauri*, etc., and (v) *pan*, *biris*, etc., and

(b) if not, what are the facts and the particulars of the place at or from where Ballabhdas Eswardas prepares, manufactures, or procures the above supplies?

The Honourable Sir Andrew Clow: (a) No information regarding any subletting of the contract has come to the notice of Government.

(b) Particulars are not kept of the sources from which contractors obtain supplies.

RENT RECOVERED FROM BALLABHDAS ESWARDAS FOR OCCUPATION OF BUILDINGS ON CERTAIN RAILWAYS AND MISUSE OF AUTHORITY TO TRAVEL GRATUITOUSLY BY THEM

54. Pandit Nilakantha Das: Will the Honourable Member for Railways please state

(a) the particulars of the rent paid by Ballabhdas Eswardas on the East Indian and the North Western Railways, if no rent is recovered, the reasons therefor,

- (b) the particulars of the buildings or the accommodation provided for them by the railways, and the capital cost of the same;
- (c) the particulars of the authority given by the railways authorizing Ballabhdas Eswardas and their employees to travel as passengers on the railways gratuitously, and
- (d) the particulars of the reports made by the ticket collecting and checking staff of the railways against Ballabhdas Eswardas and their employees for misuse of the authority given to travel gratuitously, and the action taken on those reports, if no action has been taken the reasons therefor?

The Honourable Sir Andrew Glow: (a) The rent paid by Messrs Ballabhdas Eswardas on the East Indian Railway is Rs 204-7-0 per mensem. As regards the North Western Railway, I understand that they are now dealing with the question of rentals to be recovered from the various contractors

(b) The information is not available

(c) I would refer the Honourable Member to the reply to part (a) of his unstarred question No 57

(d) No such report has come to the notice of Government

**CATERING CONTRACTS ON EAST INDIAN AND NORTH WESTERN RAILWAYS
HELD BY BALLABHDAS ESWARDAS**

55. Pandit Nilakantha Das: Will the Honourable Member for Railways please state

- (a) the particulars of the catering contracts given by the East Indian and North Western Railways to Ballabhdas Eswardas, for catering to Muslim travelling public, and the reasons therefor,
- (b) the particulars of Muslims employed by Ballabhdas Eswardas in execution of the contracts held for catering to Hindu travelling public and the reasons for their employment,
- (c) the particulars of the staff employed by the contractors for the inspection of raw and cooked stuff and the community to which the staff belongs, and
- (d) the procedure or the instrument through which the staff conducts the inspection?

The Honourable Sir Andrew Glow: (a) No contracts for Muhammadan refreshment rooms or tea stalls have been given to the contractor by the North Western Railway. I have called for the information required relating to the East Indian Railway and will lay a reply on the table of the House in due course

(b) and (c) Government have no information

(d) I am unable to follow the question

**UNREASONABLE RATES CHARGED BY BALLABHDAS ESWARDAS FROM THE
TRAVELLING PUBLIC.**

56. Pandit Nilakantha Das: Will the Honourable Member for Railways please refer to his speech on page 195 of the Legislative Assembly Debates of the 8th February, 1940 on the Resolution regarding

Guiding Principles in respect of catering contracts on Indian Railways, viz., "bearing in mind the paramount importance of adequate supplies at reasonable rates to the travelling public" and state

- (a) the price charged by Ballabhdas Eswardas, catering contractors for the Hindu Refreshment Room at Delhi Main Station on the North Western Railway for a plate of fish and potato chips, and whether it is a reasonable rate to be charged from the travelling public,
- (b) the quantity of fish and potato chips supplied in a plate,
- (c) the market price per seer of fish,
- (d) how many plates are obtained from a seer of fish, and
- (e) the reasons for not having the charge for a plate of fish, and potato chips included in the schedule of rates fixed by the Railway Administration.

The Honourable Sir Andrew Clow: (a) and (e) I believe that the item now appears in the rate list as "One plate fried fish, 4 chhataks—4 annas" which appears reasonable.

(b) I presume that the amount of fish is that given in the list. I have no particulars regarding chips.

(c) This probably varies according to the kind of fish and time of the year.

(d) I have no particulars but presume that it varies with the type of fish.

MISUSE OF THE AUTHORITY TO TRAVEL GRATUITOUSLY ON CERTAIN RAILWAYS BY BALLABHDAS ESWARDAS

57. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state whether it is a fact that authority to travel gratuitously as a passenger on a railway on the Bengal Nagpur, Bombay, Baroda and Central India, East Indian, Great Indian Peninsula and North Western Railways is given to Ballabhdas Eswardas and his staff for the definite object of then serving the travelling public and not for objects otherwise? If not, what are the facts?

(b) Is it a fact that that authority is used for purposes not connected with the service to the travelling public? If not, what are the facts?

(c) Do Government now propose to order the Railway Administrations to cancel that authority and replace it with Seasonal Tickets on payment? If not, why not?

The Honourable Sir Andrew Clow: (a) I understand that the Great Indian Peninsula and East Indian Railways issue certain passes to this contractor and his staff for the efficient conduct of his contract. I have no information regarding passes on other Railways.

(b) Government have no information.

(c) No. It is considered that the issue of passes is a reasonable facility towards the proper performance of the contracts.

CONTINUATION OF THE CONTRACT FOR THE HINDU REFRESHMENT ROOM AT DELHI STATION GIVEN TO BALLABHDAS ESWARDAS

58. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state whether it is a fact that Ballabhdas Eswardas was given

the contract for the Hindu Refreshment Room at Delhi Main Station on the North Western Railway in 1937 for a period of three years on payment of Rs 21,000? If not, what are the facts?

(b) Is it a fact that that contract expired in 1940? If not, what is the fact?

(c) Is it a fact that that contract was given after tenders were called for? If not, what is the fact?

(d) Is it a fact that on expiry of that contract, neither tenders were called for, nor were applications invited? If so, why? If not, what is the fact?

(e) What was the consideration upon which the contract was again given to Ballabhdas Eswardas?

(f) Will the Honourable Member please lay on the table of the House a list with particulars of complaints and punishments recorded during his previous contract (1937—1940)?

The Honourable Sir Andrew Clow: (a) I would refer the Honourable Member to the reply given today to part (a) of Bhai Parmo Nand's starred question No 133

(b), (c), (d) and (e) I am calling for the information and will lay a reply on the table of the House in due course

(f) I am asking the North Western Railway to supply this information for the year 1939-40

PRESENTS DISTRIBUTED AMONGST THE RAILWAY SERVANTS BY BALLABHDAS ESWARDAS

59. Pandit Nilakantha Das: (a) Will the Honourable Member for Railways please state whether it is a fact that Ballabhdas Eswardas, Railway Catering Contractor, in December 1940 distributed sweetmeats, cakes, wines and other presents amongst the Railway servants (gazetted and non-gazetted both) as a mark of relationship? If not, what is the fact?

(b) Is it a fact that Government have prohibited for all public servants the acceptance and presentation of gifts or *dahies*? If, not, what is the fact?

(c) What is the action taken against such presentation, etc? If no action has been taken, what are the reasons therefor, and have Government enquired into the matters through the agency of the Home Department Intelligence Bureau? If not do they propose to do so?

The Honourable Sir Andrew Clow: (a) Government have received no information of any such distribution

(b) As regards railway servants, I would refer the Honourable Member to Appendix XI—Railway Servants Conduct Rules—published in the State Railway Establishment Code Volume I, a copy of which is in the Library of the House

(c) Does not arise

THE ASSAM RIFLES BILL

Mr. O. K. Garoe (Secretary, External Affairs Department) Sir, I beg to move for leave to introduce a Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles"

The motion was adopted

Mr. O. K. Garoe: Sir, I introduce the Bill

THE DELHI RESTRICTION OF USES OF LAND BILL

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands) Sir, I beg to move for leave to introduce a Bill to regulate in the province of Delhi the use of land for purposes other than agricultural purposes

Mr. President (The Honourable Sir Abdur Rahim) The question is

"That leave be granted to introduce a Bill to regulate in the province of Delhi the use of land for purposes other than agricultural purposes"

The motion was adopted

Mr. J. D. Tyson: Sir, I introduce the Bill

THE PETROLEUM (AMENDMENT) BILL

The Honourable Diwan Bahadur Sir A. Ramaswami Mudallar (Member for Commerce and Labour) Sir, I beg to move

"That the Bill further to amend the Petroleum Act, 1934, be taken into consideration"

Sir, this is a single clause Bill and has been necessitated by the fact that the actual person in charge of the storage premises or a kerb-side pump for petroleum cannot be an accounting party under the system which now prevails under section 23 (I) (c) of the Petroleum Act. Under that section any breach of the conditions of the licences is punishable so far as the licensee is concerned. These big oil companies take out a licence in their own name for the various kerb-side pumps and other storages which they have all over the country. If they are to be punished for any infringement of the rules of the licence, it is very unlikely that courts will hold them responsible for conduct for which they are not personally responsible and with reference to conditions which are far away from the centre of the company's head office. Therefore, it is considered necessary that in addition to the responsibility which will be thrown on the companies which they cannot in any case escape, there should be a further liability on the part of those who are actually operating these kerb-side pumps or other storage premises if the conditions are violated by them or by their servants. That is the reason why this amending Bill has been proposed.

Mr. President (The Honourable Sir Abdur Rahim) Motion moved

"That the Bill further to amend the Petroleum Act, 1934, be taken into consideration "

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muham-
madan Rural) Sir, I just wanted to know from the Honour-
12 noon able the Commerce Member what he meant exactly when he
said that the passing of this Bill was necessary to deal with cases where
agents committed certain breaches of the conditions of a licence I think
the ordinary law of the land governing the relationship between agent
and principal covers the classes of cases contemplated by the Honourable
Member in so far as civil liability is concerned Of course, if on account
of infringement of certain provisions contained in the licence a criminal
liability cannot be fastened on the agents of the licencees, I for myself
am not quite clear how extension of the penal provisions by which the
agents of these licencees could be roped in would cover the cases when
these combustible things are in the course of transit I want to draw
my Honourable friend's attention to the fifth line of the proposed sub-
clause

"being the holder of a licence or in charge of any place where petro-
leum is being imported or stored or is under transport

Now, what does this question of transport specifically relate to? Does
it relate to the transport of petroleum by the transport services or does
it simply relate to cases of transport by private transport agencies? In
the case of private agencies, one can understand the necessity of a pro-
vision like this, but one can not understand how the transport by public
carriers can be covered by extension of these provisions I, therefore,
expect my Honourable friend to explain clearly what exactly is sought
to be conveyed by these provisions which he wants to be enacted into
law I am not speaking of transport by private agencies but by railways
and by steamship companies or by other public carriers

The Honourable Diwan Bahadur Sir A. Ramaswami Mudahar: Sir,
at present, under the Act, it is only the holder of a licence that can be
held liable for any infringement of the conditions under which a licence
is given

Mr. President (The Honourable Sir Abdur Rahim) Is the Honourable
Member replying now, or is he giving information?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudalliar: I am
replying

Mr. President (The Honourable Sir Abdur Rahim) Is there any other
Member who wishes to speak?

Mr. L. C. Buss (Nominated Non-Official) I should just like to ask
one question It says here "or a person for the time being placed by
the holder of such licence in control or incharge of any place " I
presume that steps will be taken to establish who is for the time being
in control or in charge, and that presumably will be done under the rule-
making powers.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, with reference to the question that has been raised by my Honourable friend, rules will be framed which will prescribe who is the person in charge or in control of such places. As regards what my Honourable friend, Pandit Maitra, said, this is not a question of a civil liability; it is a question of a criminal liability. As I said, the holder of the licence is the big company which is far away and which cannot be really responsible for such infringements as take place in the premises. For instance, smoking is strictly prohibited. If the agent at a wayside station, where the oil is stored, allows his servant, to infringe any of these clauses, or does so himself, then it is not reasonable to hold the holder of the licence responsible. On the other hand, there are conditions with reference to spacing and the circumstances under which an oil installation should be erected at a certain place, for which the holder of a licence alone is responsible because he is the constructor of the whole of the installation. If those conditions are in any way infringed or not properly regarded, then the original holder of the licence will certainly be liable.

Mr. M. S. Aney (Berar Non-Muhammadden): When it is a company, how can a company be prosecuted? That is what I wanted to know. Somebody signing in the name of the company will be prosecuted, not the company as such?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes. As regards transport, the clause says "a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is under transport". It does not of course apply to public carriers. As my Honourable friend is aware, a company or the holder of a licence, as I shall call him, sends petrol through a bus or lorry or whatever it is, and if the driver of the lorry or any person in charge of that lorry violates those conditions during transport, he will be held liable. There is no question of any public carriers or any buses which ply for trade being held liable. He must be placed by the original holder of the licence in charge or in control of the premises or of the transport.

Mr. M. S. Aney: May I ask how he excludes the case of the public carrier from this category? Suppose he places somebody in charge of it and then that somebody puts this petrol in a public carrier for being taken to another place. Is it not that the public carrier which receives the petrol on the understanding that it has to be taken to some other place is one of the persons who is placed in charge of the petrol by the holder in that case?

Pandit Lakshmi Kanta Maitra: I was contemplating a case like that. That is why I referred to public carriers.

Mr. M. S. Aney: I do not know whether the Honourable Member has followed me. My point is this. I understood the Honourable Member to mean that this is intended only to cover the cases of those persons who have been placed by the holder of the licence in charge of petrol or in charge of the premises or of transport of petrol. I took the example that whenever petrol is carried by a public carrier, leaving aside the use

of private carriers, for the moment, because it is generally in public carriers petrol is transported,—the public carriers are for the time the persons who are holders of the licence,—is their case altogether excluded from the operation of this clause, if that is not so, how are you going to provide punishment for those people? My own information is that there are special rules in regard to carrying of petrol, but whether those rules are sufficient or not I cannot say

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I must draw the Honourable Member's attention to the words "any place". The clause says "being the holder of a licence issued under section 4 of a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported. The word 'place' governs all other words that follow,—"any place where petroleum is being imported or stored, or is under transport."

Mr. M. S. Aney: I do not think so. That has to be read separately, and not along with it. It is a question of using proper language.

Mr. N. M. Joshi (Nominated Non-Official) The question can be adjourned now.

Mr. M. S. Aney: We leave this matter to you. We have only brought that difficulty to your notice.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I submit that the language is quite clear.

Mr. M. S. Aney: You can change the language in the other House before you take this matter there.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Yes.

Mr. President (The Honourable Sir Abdur Rahim) The question is "That the Bill further to amend the Petroleum Act, 1934, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I move

"That the Bill be passed."

Mr. President (The Honourable Sir Abdur Rahim) The question is.

"That the Bill be passed."

The motion was adopted.

RESOLUTION RE PAYMENT OF COMPENSATION TO MASTERS AND SEAMEN OF SEA-GOING SHIPS FOR WAR INJURIES AND DAMAGE

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour) Sir, I beg to move

'That this Assembly recommends to the Governor General in Council to take steps to establish schemes providing for the payment from Central Revenues of compensation in respect of war injuries and war damage to effects sustained during the period of the present emergency by masters and seamen employed on sea-going service on ships registered in British India under the Bombay Coasting Vessels Act, 1838, or under the Indian Registration of Ships Act, 1841'

Sir, there are several kinds of ships that are navigated about the coast of this country. There are ships which are registered in Great Britain and which come under the British Merchant Shipping Act of 1894. Those are British ships in the proper sense of the word. There are again ships which are registered in India on the Indian Register, but come under the provisions of the British Merchant Shipping Act of 1894. Both these kinds of ships have crews, Indian seamen, Indian lascars and so on. His Majesty's Government soon after the war broke out passed Parliamentary legislation whereby these seamen should have certain amounts of compensation with reference to damage to effects which they carry on these ships and with reference to war injuries that they may sustain.

Dr. P. N. Banerjee (Calcutta Suburbs Non-Muhammadan Urban) Only British ships

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Ships which are on the Indian Register but work under the British Merchant Shipping Act of 1894, and ships which are on the British Register and are under the British Merchant Shipping Act of 1894. These are really the bigger ships which ply either on the coastal trade or may go on the international trade over the broad seas. Rates of compensation for war damage or injury, rates of pension to widows and children in case of death, rates of compensation for war damage to effects carried on those ships, have been provided for by His Majesty's Government for those seamen who are on the British ships registered in the United Kingdom. The same rates have also been extended to Indian seamen on ships registered in the Indian Register, but coming under the British Merchant Shipping Act of 1894. The Government of India are paying those rates of compensation to such seamen.

Qazi Muhammad Ahmad Kazmi (Meerut Division Muhammadan Rural) Under whose authority are the Government of India paying those rates of compensation? No Act has been passed yet.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: On the last occasion, Sir, I introduced a Bill which provided that the employers should not be liable for ships which are on the Indian Register; they are under the control of the Government of India, and, therefore, the compensation for them is a liability of the Government of India. Now, there are small vessels of 200 and 300 tons, a few of them mechanically propelled, but most of them are sailing ships, which go about the coast of India carrying little cargoes, sometimes carrying the trade of fishing and so on. These are about seventy thousand in number, all told.

The possibilities of war damage are very remote, no doubt, but in essence they carry on the same trade so far as the coast is concerned as the very much bigger and faster steam vessels on the Indian Registers. These vessels have been registered under the two Acts referred to in the Resolution, the Bombay Coasting Vessels Act, 1838, and the Indian Registration of Ships Act, 1841, these not having been covered by the scheme of compensation which is now in force for those other Indian registered vessels which came under the Merchant Shipping Act of 1894, it is now intended that the lascars and seamen of these vessels should also have schemes of compensation analogous to the schemes of compensation that have been provided for, for the other set of crews. Before the Government frames the scheme, it has been considered necessary that this House should give its approval to this Resolution so that the Government may go ahead with preparing such a scheme for these seamen also. The danger, as I have already said, is not the same with reference to the personnel on these vessels as the danger on the other vessels, but a scheme should be ready so that if at any time such a danger comes nearer, and we hope it may not, but if it should come nearer we may have the schemes working, so that the lascars may have the compensation provided for under this scheme. It is, Sir, under these circumstances that I move this Resolution, and I trust the House will accept it.

Babu Baijnath Bajoria (Marwari Association Indian Commerce) Who pays for the British ships on the Indian Register?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudahar: There are no British ships on Indian Register.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member say what is the principle involved?

Mr. President (The Honourable Sir Abdur Rahim) Has the Resolution been moved?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudahar: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) Resolution moved.

"That this Assembly recommends to the Governor General in Council to take steps to establish schemes providing for the payment from Central Revenues of compensation in respect of war injuries and war damage to effects sustained during the period of the present emergency by masters and seamen employed on sea going service on ships registered in British India under the Bombay Coasting Vessels Act, 1838, or under the Indian Registration of Ships Act, 1841."

Mr. M. S. Aney (Berar Non Muhammadan) The beneficent nature of the scheme which the Honourable Member in charge of the Resolution wants this House to give its consent to will be readily realised by Members on this side of the House. Although the risk for the protection of which the scheme is intended to be made may not be as great as it is in the case of Indian ships on British register, still we can imagine some contingency where such a scheme will be useful.

[Mr M S Aney]

I have only one suggestion to make in this matter. Even if this House gives its general approbation to the Government of India to prepare a scheme like that, I think it will be necessary, in my opinion, for the Government to approach, if not this House, at least the Standing Finance Committee, with the actual scheme when it is ready, because in that case it will be the duty of the members of that Committee to see whether the scheme is really analogous or the provisions made therein are equitable or not and are such as will meet the requirements of the situation. There is one more point to which I wish to invite the attention of the Honourable Member. If I have understood the Honourable Member aright, he made a reference to certain legislation passed by us last time at Simla about the compensation to be given to our crews and lascars on the ships on the British register. If a similar scheme is to be made for these ships also now, I think they will have to come with some kind of legislation before this House. If the Government only want this House to arm them beforehand with some kind of authority to come with a legislation like that.

Mr. N. M. Joshi (Nominated Non-Official) Why legislation necessary?

Mr M. S. Aney That is what they have done before.

Mr N M Joshi I think legislation was necessary last time because the compensation was to be obtained from the employers. The responsibility has been transferred from the employers to the Government and the Government are entitled to spend their own money on compensations of this kind. Government can certainly spend their own money without legislation.

Mr. M. S. Aney If they can do so without legislation I will not seriously demur to it, but what I want to say is that if they cannot do it without legislation—and I believe my Honourable friend, Mr Joshi, should be jealous of the rights of this House in matters of arming Government with greater powers of spending public money.

Mr. N. M. Joshi I am only explaining the law.

Mr M S Aney I have not studied the point carefully, so I am not in a position to give a definite opinion on the point, but I am putting it on this hypothetical basis. If the Government want this Resolution to arm them with the power beforehand for preparing a legislation like that, then this House should have no objection whatsoever, and in that spirit I support this Resolution.

Sir Muhammad Yamin Khan (Agra Division, Muhammadn Rural) Sir, the legislation which was passed in 1939 in Simla was done in such a hurry that I took exception to a Bill being introduced on the last day of the Session and being hurried through in the manner in which it was done. I knew at that time that there would be difficulties which we would have to face later, but the Honourable Member did not feel it necessary then to send that Bill to Select Committee or to postpone it even for two days to give time to Honourable Members to think over the matter. Unfortunately, of course, though the Honourable Member remained in his seat, his following went into the Lobby and voted down our proposal.

An Honourable Member:

for reference to a Select Committee

Sir Muhammad Yamin Khan: for reference to a Select Committee We knew that that Bill was really a defective one. It did not give proper benefit to Indians as it ought to have done, and, unfortunately, some of my friends on this side did not foresee what the results of the war would be, and what risks people would have to run whenever they had to go on the seas during the war.

Sardar Sant Singh (West Punjab Sikh): That Bill provided for all that.

Sir Muhammad Yamin Khan: I know it did, but it did not give sufficient relief.

Sardar Sant Singh: Has there been any complaint about it?

Sir Muhammad Yamin Khan: Yes, there is. If the Honourable Member wants to bring in any kind of legislation, I want that that legislation should be comprehensive, even including the provisions of the last Bill, so that there may be one consolidated law, not piecemeal, like the one which was introduced in 1939, another in 1941, and so on. The legislation should be complete, comprehensive and consolidated, and we shall welcome a Bill of that nature if that comes in.

There is one point in my Honourable friend's speech which I could not understand. He says that there are ships which are registered in Great Britain and they are working there under the British Merchant Shipping Act of 1894, or whatever the year may be, I do not remember it. The compensation in respect of those ships is paid by His Majesty's Government, but there are other ships which are registered in India, and they are also working under the British Merchant Shipping Act. The compensation in respect of these ships is paid by the Indian Exchequer. Why should it be so? Although they have been registered here, they are working under the British Merchant Shipping Act, and why should the Indian Exchequer pay for the risks which are run by those ships, and not the British Government from the British Exchequer? If these ships run any risks on behalf of India, the compensation should certainly be paid by India. Supposing some of our ships are carrying goods from India for the purpose of defence of India, may be to Africa or may be to Malaya—that is what I understand, these are the two places which are said to be for the purposes of defence of India. If any ship is sunk here in these waters while running between these two places, the compensation may be given from the Indian Exchequer. But if the ships are hired or chartered by the Home Government for their own purposes, or for the purposes of war or some other necessities which the Government carry, the compensation must be borne by His Majesty's Government, and not from the Indian revenues. Here the Honourable Member is perfectly justified in asking this House to sanction the payment from Indian revenues for the loss which may be incurred by the ships which are plying in the coastal traffic, because when they are working within our own waters, for our own purposes, on our own coast, we are responsible for any risk which they run, even if it be too far off. Suppose one of our ships collides with the mines

[Sir Muhammad Yamin Khan]

which we have laid for the purpose of protection of our own coasts, certainly they are entitled to ask compensation to be given by us, but I do not see how can the Indian Exchequer be made to pay for the loss of the ship or for the loss of life and property which is incurred in the Atlantic Ocean. If any loss is incurred, it does not matter whether it is to the Indians or the British people, but if it is incurred in the Atlantic Ocean or in the Pacific Ocean beyond Malaya, I do not see it is in the interests of India at all. I do not think that the Indian Exchequer should be asked reasonably to make any payment of that kind. Certainly a payment should be made, but payment from which Exchequer? That has to be judged on the merits of each case. I wholeheartedly support this Resolution as it is, but I want that before we give sanction into the hands of the Honourable Member to introduce or frame any scheme, this House would like that the scheme should be a comprehensive one, that it should be put before the House at such a time when legislation may not be hurried up, and this House will have sufficient time to think over what best steps they can take to safeguard the interests of Indians. With these words, I support this Resolution.

Babu Baijnath Bajoria: I support this Resolution. I am glad that Government have shown some foresight in coming forward with a Resolution of this nature, though the emergency for which this scheme will be put into force is considered to be remote. From the Honourable Member's speech I learn that the scheme under this Resolution will give relief to 70,000 odd small sailing vessels. So much the better but I am not very clear in my mind as to what happens about the big ships. There are Indian ships, by which I mean ships owned by Indian companies on Indian register like the Scindia Steam Navigation Company and there may be some other ships too. If those ships are damaged will the Government of India compensate the seamen and masters employed on those vessels or will His Majesty's Government pay the damage. Secondly, there are British ships owned and controlled by Britishers but they are plying in Indian waters for coastal service or service between Rangoon and Singapore and the Indian ports. I do not know who will pay for damage to these ships. In my opinion in the case of those ships which are owned and controlled by Britishers, the cost should be borne by the British Exchequer. As regards ships owned by Indian nationals, the cost should be borne by the Indian Government if they are plying in coastal service. If they go out for international trade, the cost should be borne by the British Government.

Another thing is this. This Resolution wants us to give a blank cheque to the Government. It says 'to establish schemes'. We do not know anything about the schemes, what will be the nature of the scheme, what will be the extent of the relief which will be given. I would have much liked that Government would have given us some scheme or some framework of a scheme and also some idea as to the nature of the relief which they propose to give but they have not done so. I trust that when they formulate the scheme, before the scheme is put into action, it will be placed before this House and this House will be given full opportunity of expressing its views on that scheme. With these few words, I support the Resolution.

Sir Syed Raza Ali (Cities of the United Provinces Muhammadan Urban) Sir, I do not think it is necessary at this stage to go into the broader question as to who should pay compensation in the case of loss of a ship registered in British India, if such ship is lost on a voyage to England, say, in the Atlantic Ocean. That, no doubt, is a very important question but I do not think it arises exactly out of the scope of the Resolution that is before us. Therefore, I do not propose to dwell on that question, extremely important though that question is. Confining myself to the Resolution before us, I would remind my Honourable friend, the Commerce Member, that he was responsible for a Bill when the September Session in Simla was closing in 1939. His claim then was that that Bill which we discussed, I believe on the last day or last but one day of the Session, was more beneficial to our Indian seamen than the benefits they would get under the Indian Statute. When I asked him as to what the scheme propounded by His Majesty's Government was, he pleaded his inability to tell us anything in detail about the character of that scheme. He, however, hoped and hoped strongly that the scheme to be devised by His Majesty's Government would according to his information be certainly more favourable than anything our seamen would be able to get under the operation of our own Indian statute. Well, we have not been told anything about that. In the course of his speech he also refrained from telling us as to what are the directions in which the scheme propounded by His Majesty's Government immediately on the outbreak of hostilities was more beneficial to Indian seamen than what they would be able to get under the Indian Workmen's Compensation Act. I find that he wishes to extend the benefit of certain proposals contemplated by the Government of India to those seamen who are employed on boats registered in British India either under the Bombay Coasting Vessels Act, 1838, or under the Indian Registration of Ships Act, 1841. He gave the total number of vessels operating on the coast as 70,000. I take it that seventy thousand is the total number of vessels employed which do not all necessarily come under the Bombay Coasting Vessels Act, 1838, or the Indian Registration of Ships Act, 1841. I take it that this number of seventy thousand vessels operating on the coast is the total number of vessels whether they are registered under the two Acts mentioned in the Resolution or under other Acts?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: They are the number registered under these two Acts. The actual number is 77,704. Every sailing vessel, every fishing vessel, everything, has to be registered and that is the number registered under these two Indian Acts.

Mr. M. S. Aney: They are more than a hundred years old.

Sir Syed Raza Ali: Seventy thousand is the total number of these coastal boats?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Not only coastal, some of them are inland, on the rivers, and they are operating under the two Acts mentioned here.

Sir Syed Raza Ali: I am thankful for the information. I can quite see the anxiety of my friend, Mr. Joshi, to empower the Government of India to formulate a scheme. Of course, he is interested in labour and

[Sir Syed Raza Ali]

naturally he is very anxious that no time should be lost and the scheme should be drawn up as quickly as possible

Dr. P. N. Banerjee: Not only drawn up quickly, but given effect to quickly

Sir Syed Raza Ali: Here I believe, Mr Joshi, the labour leader, has his feelings in conflict with those of Mr Joshi, a legislator of this House I do not blame him for that. The point is this I do really object to the Government of India taking these administrative powers. What was there to prevent my Honourable friend, the Commerce Member—who I know is an extremely busy man, but these are not remarks applying to my friend exclusively, some of the other Members of the Government of India are equally busy—what was there to prevent my friend, the Commerce Member, from introducing a Bill under which the Government could have taken powers to introduce legislation which would empower them to formulate and bring forward a scheme? I entirely agree with my Honourable friend, Mr Aney. As a matter of fact I am glad that the Commerce Member has, after all, now woken up to find that there are seamen on seventy thousand vessels and more for whom no provision has been made by the Acts which were passed in India one hundred and three years ago. I congratulate my Honourable friend, the Commerce Member, for discovering that omission, but it has taken him two years to do so—though he was anxious at that time that this House should not delay the consideration of such a Bill even by two days. On that occasion he practically told us ‘You will be depriving your own people of the benefits of the Bill if you delay passing it.’ In any case I am not quite clear on one point. If the Honourable Member so wants, constituted as this House is today, he can certainly insist upon his pound of flesh. If he wants power to be given to him under this Resolution, he can certainly have it, we cannot resist it. Even if all of us joined in resisting him the Resolution would be carried by a great majority all the same. But let me tell him that that would be a very wrong procedure, that would be taking advantage of the thinned ranks of this House.

Dr. P. N. Banerjee: They have been taking advantage of that

Sir Syed Raza Ali: I do not know how far my Honourable friend, the Commerce Member, has participated in these ill-begotten advantages. There would be no harm done if he were to move that the discussion on this Resolution should be postponed *sine die*. He can do it. In the meantime, having got the Resolution postponed *sine die*, Government should bring forward a Bill in which they should seek to get the power to frame a detailed scheme. As I have said, it would be very very wrong for Government to draw up such a scheme under their executive powers. That scheme should be drawn up in conformity with the well-considered provisions of a Bill—which provisions need not by any means be lengthy, a Bill with two or three clauses, so far as I can see, would do. Therefore, Sir, while I think I must congratulate the Government of India on waking up after two years to the importance of this class of people who have been neglected by the Government for more than two years, I am quite free from doubt that it would be positively wrong of the Government of India to draw up a scheme under their executive powers. That scheme should be drawn up, as I have already said, in exercise of the powers to be taken

by the Government under a Bill to be passed by this House. Therefore, Sir, while sympathising with the object underlying this Resolution, I oppose the Resolution.

Mr. N. M. Joshi: Mr President, I admit that the Honourable Members are at a disadvantage in discussing this question for want of knowledge. This is not a subject which we generally deal with in this Assembly, and I myself do not claim that I possess all the knowledge regarding this subject. To some extent our want of knowledge is due to the fact that the Government of India do not consider it their responsibility to circulate to Members of the Legislature all the reports and all the memoranda which they issue, if they do so, we shall be in a better position to discuss matters of this kind. Now, Sir, as regards this particular subject, I would certainly support this Resolution. At the same time I must request the Honourable Member to see that the rates of compensation paid under the schemes which they would establish would not be less than the rates which are paid to the European sailors under the Parliamentary legislation. I would also like them to see that the rates of compensation under this Resolution will not be less at least than the rates which are paid under the previous legislation.

An Honourable Member: Are they the same?

Mr. N. M. Joshi: Sir, as regards the question whether this should be done by legislation or by mere Resolution, I must say that I am not a lawyer, much less am I a constitutional lawyer. But I do not understand why for giving effect to this particular scheme, legislation is necessary. Under the Government of India Act, the Government have got the power to spend money on various kinds of schemes. I have not seen Members rising in their seats and suggesting that for giving effect to every kind of scheme legislation is necessary. Legislation will be necessary and is necessary in order to give rights to the seamen who compel Government to give compensation. That does require legislation, but certainly legislation is not required to enable the Government to spend money. I would certainly like to have legislation to give rights to the seamen to have compensation from Government.

Then, Sir as regards the point raised by my Honourable friend, Mr Bajoria, whether there should be compensation paid to the masters of vessels, I think he was rather wrongly interpreting the word 'Master' there. The 'Masters' of vessels do not necessarily mean the owners of vessels.

Babu Bajinath Bajoria: I never meant that. I know what the word 'Master' means. It means the Captain of the vessel.

Mr. N. M. Joshi: That is right. This Resolution is not intended to give compensation to the owners at all.

Then, there is another point which was raised by some of the Members. That point is why should not the British Exchequer pay?

Mr. M. S. Aney: It was not in this connection. It was in connection with another matter.

Mr. N. M. Joshi: So, it was for the other scheme. Sir, I am not against the money being recovered from the British Treasury at all.

[Mr N M Joshi]

If seamen are employed on British ships, I think the responsibility of paying them compensation should be of the British Government and of the British people. But there is a small difficulty in this matter. The Indian seamen have to get compensation. If you throw on them the responsibility of getting that compensation from either the British owners or the British Government, it will be difficult for them to get that compensation. It will at least be more difficult than recovering the compensation from the Indian Government. I do not care, who ultimately pays the cost but I would certainly like the Indian seamen to have the right to receive the amount of compensation from the Indian Government. I would not leave it to the resources of the Indian seaman to recover the compensation from the British Government or the British people. With these remarks, Sir, I support the Resolution.

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muhamadan Rural) Mr President, Sir, this Resolution seeks a recommendation of this House to establish certain schemes providing for the payment from the Indian revenues of compensation in respect of war injuries or damage that may be sustained during this period of emergency. I am at a loss to understand why my Honourable friend, the Commerce Member, should think of seeking this recommendation from us to conceive certain measures when he has got adequate powers to carry on without consulting this House, unless the idea at the back of his mind is that those schemes should be put into immediate operation on the strength of the recommendation that may be made by this House. From the point of view of the Indian exchequer, I think it would be a very unwise and unwarranted step if we make this recommendation. We may be taking a leap in the dark. We are not in a position to know up till now, at any rate, what are the financial commitments that this Resolution would lead us to. My Honourable friend has just stated that as many as 77,000 vessels are involved. That is an appalling figure and I, for one, do not understand what are the classes of vessels that are sought to be covered by this Resolution. We never knew that India possessed a mercantile marine of that magnitude. It may consist of country boats but it can also cover vessels propelled by mechanical agencies. It is not indicated in the speech just made by my Honourable friend, the Commerce Member, what portion of this mercantile shipping of 77,000 vessels belongs to the Indians and what portion to non-Indians. In times of war, Government has got the justification, the justification that is pleaded by them in season and out of season, to incur any expense without even consulting this House. Why have they so suddenly become solicitous of consulting the House unless they mean straightaway to proceed with the schemes which may be evolved under cover of this recommendation. We do know how these schemes are going to be worked. At the present moment, we have not got the faintest idea of the schemes that are in the contemplation of the Government. We have got also to consider whether these 77,000 vessels, call them by any name you like, are plying in coastal waters or in territorial waters in the interests of Indians or whether they have been doing somebody else's work with which we may not have anything to do. Unless we, Indians, know fully well that the provision that we are asked to make for compensation is going to benefit the Indians who are working for India, I do not think we shall be justified in passing this Resolution.

Nothing has been said on this point. It might benefit people who are not working for us at all. The House has not been placed in a position to know that these cargo vessels are working in the interests of India. It should be definitely stated what kind of work they are doing. We must be told whether they are doing any work for the coastal defence of India or whether they are carrying on any work in the interests of India. (Interruptions from Mr. N. M. Joshi) Mr. Joshi has taken up the role of the Commerce Member. He is carrying on a series of interminable interruptions.

Mr. N. M. Joshi: If the Honourable Member does not like interruptions, I shall not interrupt him.

Pandit Lakshmi Kanta Maitra: I have always attended to the interruptions of my Honourable friend, but then he makes it impossible for me to carry on my speech.

Mr. N. M. Joshi: I am very sorry and I apologise to the Honourable Member.

Pandit Lakshmi Kanta Maitra: The Honourable Member need not apologise.

Mr. N. M. Joshi: Not that you needed an apology, but I do apologise. For there are some sensitive Members.

Pandit Lakshmi Kanta Maitra: There is no necessity for any apology. I shall however accept it to satisfy my Honourable friend.

I want to elicit from the Honourable the Commerce Member certain facts before we come to a decision. Sir, we feel that the Members of the Legislature should be taken into their confidence by the Government in respect of the schemes which they may be drawing up. I am suspicious of the word 'establish' as I feel that that word is meant to convey the idea of immediately putting into execution any scheme which they may draw up without any further reference to the Legislature. I think it would be extremely unfair if the Indian exchequer is merely asked to shoulder a financial burden while at the same time the legislature whose approval is sought is not placed in a position to know what these schemes are that are going to be put into effect. Sir, it has been suggested that a comprehensive Bill should be brought up before the House dealing with this specific matter. I do not think that a Bill would really serve the purpose as a Bill may be a one-clause or two-clauses Bill laying down the principle which is embodied in this Resolution. What we really want is that the details of these schemes should be placed before us for our consideration so that we may form an idea of the magnitude of the financial commitments that may be involved in it. Unless that is done, however much we might sympathise with the objects of this Resolution, we cannot be a consenting party to it. My Honourable friend, the Honourable Commerce Member, said that the chances of having to pay compensation or award damages are very remote. I do not agree with him in that. We are passing through a most momentous and eventful period in the history of mankind when events are rushing through at a speed which is absolutely inconceivable. What seems absolutely remote to him today

[Pandit Lakshmi Kanta Maitra]

may be probable tomorrow and even inevitable the day after. So, we do not think of giving him a sort of blank cheque in this respect. We feel that he should make us thoroughly posted with his plans and with the financial obligations that are involved in them. With these words, I oppose this Resolution.

Sir Cowasji Jehangir (Bombay City Non-Muhammadan Urban) Sir, I think my Honourable friend, the Commerce Member, might have explained possibly a little more clearly than he did. But having refreshed my memory to the best of my ability, I am in a position to support this Resolution. I understand that the position is that all crews on ships registered under British legislation will be compensated whether they be lascars or not. There may be some reciprocal arrangements made. This Resolution refers to coastal ships which are not included in the British legislation which was referred to at Simla. I understand that the Simla Act merely relieved owners of the responsibility under the Workmen's Compensation Act of compensating such seamen. So far as I understand that was the Simla Act. The seamen on registered ships today are compensated under British legislation in England. If Indian ships, like the Scindias or the Moghuls, have British registration, there may be reciprocal arrangements. This Resolution merely refers to coastal shipping which is not included in any legislation passed up till now. That, I understand, is the position. If that be so it is only fair that any seamen in coastal shipping should be compensated just as well as lascars serving on ships registered under the British Act. I presume they will be compensated to the same extent and in the same way as lascars will be compensated under the British legislation. I presume the scheme will follow the same lines.

Sir Syed Raza Ali: We do not know. There is no legislation before us. We do not know what the Government propose to do.

Sir Cowasji Jehangir: I understand that compensation is fixed by the British Government, to lascars serving on British ships. Our compensation paid to lascars or seamen on coastal shipping should be on the same lines. I presume that some provision will have to be made in the Budget and at that time the Honourable Member will inform the House exactly what will be our liabilities if there is danger on the coast. At present most probably it is very difficult to say what our liabilities will be. It is practically impossible to say. At present, with some justification we can say that our liabilities are *nil*. But as long as the House is assured that compensation will be no more or no less than paid to lascars who are in danger today and who have been injured already, I think the House should be satisfied. Under the circumstances,—it is very near Lunch time—I trust this Resolution will be passed if the Honourable Member will give assurances on the lines I have just indicated.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions Muhannadan Rural) Sir, it is very unfortunate that the wordings of the Resolution are such that there has arisen some misunderstanding in the House. It is also unfortunate that this has come in the form of a Resolution. It is also unfortunate that we are, by this Resolution, to be bound down to

give our sanction to £ s d As has been rightly said, we do not know what will be the amount of our liabilities Besides, my Honourable friend, Sir Cowasji Jehangir, explained that it refers only to coastal shipping But the number that has been stated, that is 77,000 or so, is a formidable number It is rather difficult for us to estimate the loss or the expenditure that we may have to incur Unfortunately the expression "to take steps to establish a scheme" leaves us completely in the dark There is no scheme We do not know what steps will be necessary to establish a scheme It is also said here the word "establish" is rather ambiguous and so, Sir, we consider that the object of this Resolution as has been explained by the Honourable the Commerce Member may be laudable We do not object to them but the wording is rather ambiguous and there is also ambiguity about the steps to be taken for establishing the scheme We remember that there were schemes to compensate the fighting soldiers by the British Government or by the British Exchequer during the last war We remember how difficult it was to appraise or give compensation On the floor of this House a committee was formed after that and still there was very great difficulty in giving compensation to the soldiers who were killed or disabled Therefore, Sir, as I said, the object may be laudable but to ask the sanction of the House on such an ambiguous scheme is rather too much If the Honourable Member says that the scheme that will be framed and the steps that will be taken will be placed before this House I think there may not be very great objection to this Resolution and we can accept it But here the position is rather difficult and we object to the form and to the procedure that is being adopted in getting this Resolution passed

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I must confess that I am a little taken aback that when I come to the House and ask for sanction even for framing a scheme I should be found fault with as doing something unconstitutional Let me explain the position These are grants which are made *ex-gratia*, and it is perfectly open to Government to make these grants subject, of course, to the budgetary sanction of this House, without any reference to this House whatsoever That is to say, we can frame a scheme, allot the amounts which can be paid by way of compensation, put that allotment in the next Budget and ask the House to sanction that item at that time I have taken the precaution of coming beforehand and asking this House for its approval to such a scheme at all being framed, and I propose that when the scheme is actually framed in consultation with the Finance Department, which is the watch-dog in these matters, I shall put that scheme further before the Standing Finance Committee for its approval Having tried to get the sanction of this House even at this stage, for the House to turn round and say that I am doing something perfectly unconstitutional seems to me rather hard lines on me

Now, Sir, there has been a good deal of misunderstanding over the general issues that have been raised in the course of this debate My Honourable friends, Sir Raza Ali and Sir Yamin Khan, complained that I rushed through the House a Bill in 1939 and that I did not foresee the possibility of this particular section of seamen requiring similar compensation, and that all this is due to the fact that I am accustomed to rush in with legislation where others fear to tread, and that, therefore, this is another glorious example of haste making for waste. I may assure my

[Sir A. Ramaswami Mudaliar]

Honourable friends that that is not the position. The question that we had to consider in 1939 was the position of seamen who were risking, under the circumstances of the war at that time, their lives and their property by going on what I may call deep sea routes. The question further related to this that with reference to those steamers which all came under the Merchant Shipping Act of the British Parliament of 1894 the scheme of compensation should be exactly the same as the scheme of compensation which would be paid by His Majesty's Government for British ships registered in the United Kingdom. Let me explain the position because it is a little obscure. There are two kinds of ships which are dealt with under the British Merchant Shipping Act of 1894,—British ships which are registered in the United Kingdom over which His Majesty's Government have got complete control and,—the same wording is used,—British ships which are really Indian ships registered under the Indian Merchant Shipping Act of 1923, in the Indian register but which come by Parliamentary legislation under the British Merchant Shipping Act. All sea-going vessels which traverse the high seas, whether of India or the Dominions, are controlled by the British Merchant Shipping Act,—a Parliamentary legislation. Now, when His Majesty's Government was framing a scheme for compensation to Indian seamen on British ships properly so called, that is, British ships registered in the British register, it was obvious that for the same kind of seamen in the Indian registered ships who were faced with the same sort of risks,—that is to say, because they were going to Aden and up to the Red Sea ports and so on,—we should come to an understanding with His Majesty's Government that the same rates should apply to both and that, therefore, we must have a necessary voice in the scale of compensation which His Majesty's Government fixed for Indian seamen on British ships on the British register. Now, so far as Indian seamen on British ships registered in the United Kingdom are concerned, His Majesty's Government pay all compensation. So far as Indian seamen on what are still called British ships under the Parliamentary Act but which are registered in the Indian register, the Government of India naturally have to pay compensation, but since no distinction or differentiation could be made between the rates of compensation to lascars on those ships, or Indian seamen on those ships as I would prefer to call them, and the Indian seamen on Indian registered ships, it was absolutely incumbent that some agreement should be arrived at between the Government of India and His Majesty's Government. And because I was in the middle of these negotiations and these negotiations could not be carried out without the approval of the House which I then sought regarding removing the liability of the owners for compensation, I came in with that legislation. Now what is the present legislation? It has no reference to His Majesty's Government, it has nothing to do with any ships which are on the United Kingdom register. These are small vessels from three tons to 200 tons which are plying along the coast and with reference to which we now think that a situation may develop when we should be at least ready with schemes of compensation. So there was no lacuna in the last Act. The last Act that I placed before the House and the scheme with reference to which I was then negotiating with His Majesty's Government referred to relieving the owners of the compensation which they might otherwise have to pay.

An Honourable Member: Under what Act?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Under the Workmen's Compensation Act

Similarly, if this Resolution is approved I hope to come at the next Session with a Bill for relieving the owners of any similar liability. My Honourable friend said, why should you relieve the owners of this liability? The reason is very simple. This war damage is not an insurable risk and owners cannot be saddled with them. This is a matter arising out of war conditions, and every belligerent country has felt that it is the duty of the Government of that country to give relief in similar cases and pay compensation. The Government of India feel that they are in the same position as the most advanced of governments, therefore we think that compensation should be paid by the Government of India and that the representatives of the people will readily accept the principle that in such cases the government of the day should pay the compensation.

There is another reason why this Resolution has been placed before the House. This compensation is of two kinds. One is for disablement or for death in the form of an immediate grant or in the form of a pension. That is to say, a recurring liability cast on the Government from year to year, and I felt that where it was not a question of merely asking for a particular grant in a particular year but carrying on a liability from year to year, the vote of the House would strengthen my hands in placing such a scheme before the Departments concerned. It is under these circumstances that I move for the whole-hearted and unanimous acceptance by this House of the Resolution that I have placed before it.

Mr. President (The Honourable Sir Abdul Rahim) The question is

"That this Assembly recommends to the Governor General in Council to take steps to establish schemes providing for the payment from Central Revenues of compensation in respect of war injuries and war damage to effects sustained during the period of the present emergency by masters and seamen employed on sea going service on ships registered in British India under the Bombay Coasting Vessels Act, 1838, or under the Indian Registration of Ships Act, 1841."

The motion was adopted.

Mr. President (The Honourable Sir Abdul Rahim) This concludes the business of the day.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 26th February, 1941.

LEGISLATIVE ASSEMBLY

Wednesday, 26th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

OFFICERS IN THE PURCHASING DEPARTMENT OF THE INDIAN STORES DEPARTMENT

160. *Mr. Muhammad Nauman (on behalf of Dr Sir Ziauddin Ahmad)

(a) Will the Honourable the Law Member please state how many officers there are at present in the purchasing department of the Indian Stores Department and how many of them are Muslims?

(b) How many appointments were made since 1934?

(c) Were the appointments made according to the resolution of the Government of India, 1934, which fixed 25 per cent of the places for Mussalmans?

(d) In case Government did not observe the ratio of 25 per cent, will the Honourable Member be pleased to state the reasons for not observing the instructions of the Home Department of the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: (a) 35, of whom six are Muslims

(b) 26

(c) The orders regarding the reservation of posts for minority communities as laid down in the Home Department Resolution of 4th July, 1934, were not extended to technical gazetted posts in the Indian Stores Department till 24th August, 1938. Since then 24 appointments were made of which six went to Muslims

(d) Does not arise

TRADE IN RICE AND SUGAR BETWEEN INDIA AND CEYLON

161. *Mr. Muhammad Nauman (on behalf of Dr Sir Ziauddin Ahmad).

(a) Will the Honourable the Commerce Member be pleased to lay on the table a full statement showing the condition of trade in rice and sugar between India and Ceylon?

(b) Is it not a fact that this trade is being seriously hampered by the action taken by the Ceylonese Government in forcing the rice traders to keep in deposit six months' stock at their own expense? What action, if any, have Government taken to safeguard the interests of the Indian traders?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) I lay on the table a statement showing exports of rice from India to Ceylon during nine months April to December, 1940, and during the corresponding

periods of 1939 and 1938. Exports of sugar from India to Ceylon are not permissible under the International Sugar Agreement, 1937.

(b) No. The Ceylon Government have enacted the Essential Commodities Reserves Ordinance, an emergency measure, under which every importer is required to maintain a reserve stock of rice at about ten per cent of the quantity cleared by him during the previous year. The Government of India are not aware that the rice trade is being seriously hampered nor do they consider it necessary to take any action.

Statement showing exports of rice (not in the husk) from India to Ceylon.

	Nine months April to December.		
	1938	1939	1940
Quantity (Tons)	75,046	62,833	75,569
Value (Rs.)	82,71,000	75,81,000	97,31,000

Mr Muhammad Nauman: May I know, Sir, if the Government of India have made any protest against the Emergency Act which the Ceylon Government have passed, and are the Government of India prepared to make inquiries to what difficulties the rice merchants have been put by that measure?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Government have not made any protest, because they have not received any protest from the Indian merchants in Ceylon.

Mr Muhammad Nauman: Have not the Government of India received any protest from merchants in India?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The merchants concerned are those who have stocks in Ceylon, and I understood that they have agreed to this, and that there is no complaint with reference to this particular emergency Ordinance.

GOVERNMENT BOOKLET No 4 ON INDIAN HIDES AND SKINS

162. ***Mr. Muhammad Nauman** (on behalf of Dr. Sir Ziauddin Ahmad)

(a) Will the Honourable the Commerce Member please state whether Government have seen Booklet No. 4 of the Indian Hides and Skins published at the instance of the Government of India?

(b) What is the intention of Government in the publication of such a pamphlet?

(c) Why and for whose benefit are Government advising foreign purchasers to specify the standard 'Agmark grades in their contracts'?

(d) Is it intended to kill the trade in hides of the animals which die a natural death? If so, why?

(e) What is the percentage of hides obtained from animals which die a natural death to the total supply of hides?

(f) Is it not a fact that all the buyers and shippers all over the world and persons engaged in the industry understand the international trade mark known as 'Hamburg classification'?

(g) What is the advantage in replacing the international classification by the new classification? Is it not a fact that in the international classification there are eighteen standards, but in the proposed classification by Government there are only three?

(h) Is it not a fact that Government put the stamp of their classification only in case of animals killed in a few slaughter houses?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes

(b) The pamphlet was produced at the instance of the Government of India in the hope that it may be of use to the public both in India and abroad

(c) The remarks in the pamphlet should not be interpreted as those of the Government and Government have not offered the advice attributed to them

(d) The answer to the first part of the question is in the negative, the answer to the second part does not, therefore, arise

(e) Government have no information

(f), (g) and (h) I have asked for information on these points. I may add that since the Honourable Member brought to my notice some of the statements in the pamphlet, I am having the whole question examined and I hope in consultation with the representatives of the industry to issue a statement on the subject with particular reference to the remarks and recommendations contained in the pamphlet

MEASURES FOR PREVENTION OF UNREMUNERATIVE PRICES OF COTTON

163. *Mr. Govind V. Deshmukh: (a) Will the Honourable the Commerce Member please state if his attention has been drawn to the resolution passed by the Central Cotton Committee at its 43rd meeting held on 17th January, 1941, at Bombay and published in the *Times of India* of the 20th January, 1941, at page 7 under the heading "consumption of Indian cotton, Central Committee's Expansion plan", viewing with increased concern the low prices of Indian cotton, especially short staple cotton, mainly as the result of the loss of foreign markets in Europe and unsettled conditions in the Far East and recommending measures to the Government of India for the solution of the problem, and if Government have considered the measures recommended by it and stated below

- (i) directions to the Department of Supply and the Indian Stores Department that except in such cases where it was absolutely essential to ask for cloth requiring the use of long staple imported cotton, specifications for their requirements should be so framed as to encourage the use of Indian cotton,
- (ii) representations to all Colonial and Empire Governments to ensure the admission of India's cotton goods to those countries on the same terms and conditions as were accorded to British cotton goods,
- (iii) the adoption of suitable measures for restricting the import of cotton goods and artificial silk yarn and piece-goods into India,
- (iv) the establishment by Government of a central export organisation with suitable arrangements for the inspection of goods before export,
- (v) the deputation of a trade delegation to other countries for carrying on propaganda and exploring the possibilities of introducing Indian cotton manufactures,

- (vi) more adequate facilities, subject to the exigencies of the war demands on shipping, for the export of Indian cotton, special preference being given to short staple cotton,
 - (vii) that foreign cotton should not be purchased by Government for sale in India, and
 - (viii) financial assistance should be afforded to mills and the trade by Government for the warehousing or stocking of more than their normal holdings of short staple cotton?
- (b) Have Government decided to give effect to all or any of these recommended measures? If so, which and to what extent? If not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b) Yes The recommendations are under examination, and no decision has been taken yet

Mr. Govind V. Deshmukh: Is there any likelihood of its being considered earlier? Can the Honourable Member say when these suggestions which are embodied in the Resolution will be carried out? Will there be any conference summoned for considering all the recommendations?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The recommendations are under consideration Whether it will necessitate the calling of a conference or not will depend upon the consideration that these recommendations receive I can assure the Honourable Member that these recommendations are under examination by various Departments

Mr. Govind V. Deshmukh: May I know, Sir, how much time is likely to be taken in this matter, because the agriculturists, during the time that you are going to take, may subsist or disappear One does not know how much time the Government of India will take over this matter

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I can only say that the position of the agriculturist is very much before us

EXPENDITURE ON THE EASTERN GROUP CONFERENCE

†164. ***Mr. Akhil Chandra Datta:** Will the Honourable the Leader of the House state

- (a) the total expenses incurred on account of convening the Eastern Group Conference in this country, and
- (b) whether India paid the whole amount, if not, what India's share of the expenses was?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b) The total expenditure from Central Indian Revenues on the Eastern Group Conference was approximately Rs 2,15,000 but this does not include such items as the travelling expenses to India of delegates from overseas or their salaries and allowances I have no information about these items and so cannot say what share of the whole expenditure on the Conference the cost to Central Indian Revenues represents

†Answer to this question laid on the table, the questioner being absent.

EASTERN GROUP SUPPLY COUNCIL

†165. *Mr. Akhil Ohandra Datta: (a) Will the Honourable the Leader of the House please state the functions of the Eastern Group Supply Council which has recently been constituted?

(b) Who will give effect to the decisions of this Council?

(c) Are the decisions of the Council mandatory on the Government of India?

(d) Will this Assembly be given an opportunity to discuss the decisions of the Council which may have to be carried out by the Government?

The Honourable Sir Muhammad Zafrullah Khan: (a) The functions of the Eastern Group Supply Council will, broadly speaking, be to receive demands for supplies from overseas Forces and the Governments of the Eastern Group countries, and to arrange to have them met, if possible within the Eastern Group

(b) The Council will work through the Governments of the various countries concerned

(c) and (d) No

APPOINTMENT OF GOVERNMENT EPIGRAPHIST AS OFFICIATING DEPUTY DIRECTOR GENERAL OF ARCHAEOLOGY

166. *Sir Syed Raza Ali: (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that an officer who is holding substantively the post of Government Epigraphist in the Archaeological Department has now been appointed as officiating Deputy Director General of Archaeology?

(b) Is it a fact that previously officers holding technical appointments such as Epigraphist, Archaeological Chemist and Assistant Engineer, had never been appointed to administrative posts, namely, Deputy Director General or Director General of Archaeology?

(c) Is it a fact that Sir Leonard Woolley in his report generally condemned the policy of the Department in appointing men to posts for which their previous experience has not fitted them? Is it a fact that the present incumbent of the post of Deputy Director General had only a few months experience of the routine work of the office of the Director General? Has that officer any experience of excavation, conservation and, if so, what? If he has no such experience, how do Government justify the appointment of the present officer to the post?

(d) Is it a fact that lately the officer holding the post of Archaeological Chemist was refused promotion to the post of Deputy Director General on the ground that he was holding a non-administrative post? Is it a fact that the last holder of the post of Government Epigraphist was not appointed to this post for the same reason in spite of his seniority?

(e) What was the special justification for making this appointment, when an experienced Muslim Superintendent was available?

(f) Has the appointment been made merely as a temporary measure? If so do Government propose to consider the fitness for promotion to this post of the Muslim Superintendent before taking final action?

Mr. J. D. Tyson: (a) Yes.

†Answer to this question laid on the table, the questioner being absent

(b) Yes, but only because suitably qualified officers of the requisite seniority were available on the general archaeological side

(c) The reply to the first part is in the negative. In regard to the second and third parts, the present incumbent of the post of Deputy Director General received training for about four months in the Director General of Archaeology's office in the various branches of work of the Archaeological Department. He has no practical experience of excavation or conservation but is a distinguished scholar and, as such, capable of dealing with the literary work which is an important part of the activities of the headquarters staff of the Director General of Archaeology. Of the men possessing requisite seniority available in the Department, he appeared to be the most suitable to be given a trial for the post.

(d) The answer to the first part of the question is in the negative. The Archaeological Chemist submitted a representation in 1931 against his non-selection for the post of Deputy Director General, which was rejected on the ground that the Government of India had selected the officer who, in their opinion, was best qualified for the post. In regard to the second part, the previous holder of the post of Government Epigraphist was not appointed to the post of Deputy Director General as other officers who were considered better fitted for the appointment were available.

(e) Attention is invited to the reply given to the last part of part (c).

(f) The appointment has been made provisionally, pending a final decision on certain proposals for reorganising the Department made by Sir Leonard Woolley. Government hope that amongst the Muslim Superintendents now serving in the Department one will qualify in due course for the post of Deputy Director General of Archaeology.

Sir Syed Raza Ali: Sir, with regard to part (c) of the question, do Government consider that four months' training is good enough to shape a specialist into a good all round administrative officer?

Mr. J. D. Tyson: This officer was regarded as on the whole the most suitable for trial for the post, and he was given four months' training during which he shaped remarkably well.

Dr. P. N. Banerjee: Is not epigraphy a very important and essential part of archaeology?

Mr. J. D. Tyson: Yes, Sir, we regard epigraphy as a very important part.

Qazi Muhammad Ahmad Kazmi: Have Government considered the advisability of giving training for about four months in future, whenever a post happens to be vacant, to persons with technical knowledge after they are appointed to this post and that persons who have satisfactorily worked in the technical departments are not deprived of the opportunity of holding this post only because they belong to the technical department?

Mr. J. D. Tyson: I don't quite follow the Honourable Member's question, but as far as I can see, the procedure he has suggested is the procedure that was adopted in this case?

Qazi Muhammad Ahmad Kazmi: It is only for this particular case that the Government thought of adopting this particular procedure, and that in all previous cases persons with technical knowledge were debarred

twice? Is it going to be the permanent policy of Government that in future they will always give an opportunity to persons with technical knowledge to have this four months' training before or after they are appointed and not debar them merely because they happen to belong to the technical branch?

Mr. J. D. Tyson: No, Sir, the claims of all the officers are considered, and in both the cases referred to in part (d) of the question, the claims of the rather specialised officers therein referred to were considered, I mean the archæological chemist and the Government epigraphist,—their claims were considered along with the claims of the Circle Superintendent

Sir Syed Raza Ali: Can the Honourable Member cite a case in which an officer with technical experience was appointed to one of the important administrative posts,—for instance, the post of the Director General of Archaeology or that of the Deputy Director General of Archaeology? Was there any case like that in the past?

Mr. J. D. Tyson: I must ask for notice

Sir Syed Raza Ali: With reference to the reply given by my Honourable friend to the first portion of part (c) of my question may I ask whether the Government's attention has been drawn to the following observations made in para 4 by Sir Leonard Woolley? It is a quotation

"I have therefore recommended a differentiation of functions inside the Department whereby members of the staff will specialise in one or other of the kinds of work with which the Department is concerned. In this way (*this is important*) better use can be made of the special abilities of such a man and he will be given more time in which to develop those abilities"

This is a very clear plea for specialisation.

Mr. J. D. Tyson: Yes, I have read the report to which the Honourable Member draws attention. I might in turn draw his attention to paragraph 83 of the report which sets out more fully what Sir Leonard Woolley had in mind

Sir Syed Raza Ali: Am I to understand that this Epigraphist was appointed as Deputy Director General, because he was considered more efficient or proficient?

Mr. J. D. Tyson: Yes. It was thought that he would make a better Deputy Director General than other officers available for the time being. But he was first given four months training, he was put on special duty for that period, during which his work was closely observed, before he was put into the position of Deputy Director General

Sir Syed Raza Ali: May I take it that that man, before he was given four months training, had already been earmarked for promotion as Deputy Director General, and that is the reason why he was trained for four months?

Mr. President (The Honourable Sir Abdur Rahim): That is not a question

Qazi Muhammad Ahmad Kazmi: May I know if Government are prepared to give those gentlemen who had been barred from promotion to this particular office on account of being in the technical department, a similar training?

Mr. J. D. Tyson: Nobody is debarred merely because he is a specialist. We have always recognised that no hard and fast rule can be laid down especially in a limited cadre such as we have at present.

Qazi Muhammad Ahmad Kazmi: May I know, if no hard and fast rule can be laid down, what is the reason.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member is arguing. Next question.

DISREGARD OF THE CLAIMS OF THE SENIORMOST MUSLIM ASSISTANT IN THE OFFICE OF THE DIRECTOR GENERAL OF ARCHAEOLOGY FOR THE OFFICE SUPERINTENDENT'S POST

167. *Sir Syed Raza Ali: (a) Will the Secretary for Education, Health and Lands please state how many times the seniormost Assistant of the office of the Director General of Archaeology, who is a Muslim, officiated as Office Superintendent before the present non-Muslim incumbent was appointed to that post permanently?

(b) What was the date of the order stopping the Muslim Assistant at the efficiency bar, the date of the withdrawal or cancellation of that order restoring his increments retrospectively and the date of the order by which the non-Muslim incumbent was permanently appointed to the post of Office Superintendent?

Mr. J. D. Tyson: (a) On five occasions for an aggregate period of five months and 26 days.

(b) 20th December, 1939, 15th February, 1940, and 14th November, 1939.

Sir Syed Raza Ali: Does the Honourable Member realise that the dates given show that the Muslim assistant's promotion was stopped to enable the non-Muslim assistant to be appointed, and then the former order was revoked?

Mr. J. D. Tyson: No. I repudiate the suggestion altogether. The suggestion seems to be based on the idea that the Muslim was the seniormost assistant. In fact, though he is now the most senior assistant in the office, he was not the most senior assistant at the time the promotion was made. Moreover, the order stopping him at the efficiency bar was originally passed on the 27th August, 1938. But owing to the proper procedure not having been followed, Government returned the case to the Director General, Archaeology, to re-examine the case, to go through the proper procedure, and that is why the final order stopping the Muslim officer at the efficiency bar was passed on the 20th December, 1939.

Sir Syed Raza Ali: Can the Honourable gentleman state whether this Muslim assistant appealed to Government against this order, and whether the appeal was in the ordinary course sent to the Public Service Commission under the classification rules?

Mr. J. D. Tyson: He appealed against the first order of the 27th August, 1938, and, on that, the case was sent back to the Director General of Archaeology to follow the correct procedure. I cannot say off-hand whether he appealed against the order of the 20th December, 1939.

Sir Syed Raza Ali: Was the appeal against the first order submitted by the Department of Education, Health and Lands to the Public Service Commission?

Mr. J. D. Tyson: No. We ourselves allowed it on a matter of procedure. We sent it back for re-hearing, if I may so put it.

Sir Syed Raza Ali: As regards the second order, did he appeal against the second order, and is it not a fact that the second appeal was withheld by the Director General?

Mr. J. D. Tyson: I think it was, but I do not know what the subsequent history is.

Sir Syed Raza Ali: Was there any justification for withholding such an appeal and not forwarding it to the Education, Health and Lands Department?

Mr. J. D. Tyson: It was withheld under the rules.

Sir Syed Raza Ali: Can the Honourable Member cite the rule?

Mr. J. D. Tyson: I shall have to ask for notice.

APPOINTMENT OF A BRAHMIN AS PHOTOGRAPHER-DRAFTSMAN IN THE OFFICE OF THE DIRECTOR GENERAL OF ARCHAEOLOGY.

168. *Sir Syed Raza Ali: (a) Will the Education Secretary please state if it is a fact that the permanent photo-printer of the Director General of Archaeology (a Hindu) retired some time in 1940 and that in his place a Muslim who had officiated as photo-printer several times was temporarily appointed?

(b) Is it a fact that this post of photo-printer has been converted into that of Photographer-Draftsman, for which applications were invited and that, without interviewing any of the applicants, a Brahmin was appointed though he is not a qualified draftsman?

(c) Did any Muslim retrenched photographer who also possessed experience of aerial photography in the last Great War also apply for the post?

(d) Will the Secretary be pleased to state the facts of the case in full, as also the circumstances in which the aforesaid Brahmin came to be appointed?

Mr. J. D. Tyson: (a) Yes. A Muslim peon, who had previously officiated in short vacancies, was appointed to officiate pending the selection of a permanent incumbent.

(b) The answer to the first part of the question is in the affirmative. In regard to the second part, it is a fact that candidates who applied were

not interviewed and that a Brahmin was appointed. The individual in question has undergone training in surveying and drawing at the College of Engineering, Poona.

(c) A Muslim who was retrenched from the post of photographer in 1932 and who stated that he had been on active service in the Great War was among the applicants.

(d) The post of Photo-printer in the office of the Director General of Archaeology was abolished in October, 1940, and in its place a post of Draftsman-Photographer was created. The object of the change was to provide assistance to the Draftsman-Surveyor as well as to the Head Photographer. The Photo-printer was an assistant to the latter only. I may add that Government are not satisfied with the procedure in this case and the selection of a candidate to fill the appointment will be reviewed.

Sir Syed Raza Ali: Will the Honourable Member state what are the qualifications of the Brahmin candidate who has actually been appointed to the post? I do not want to flog a dead horse, but I would like to know what that candidate's qualifications were.

Mr. J. D. Tyson: He is a professional photographer—he has won awards for photography,—and has undergone a course in draftsmanship,—I forget where he has undergone it, but he has undergone a course.

Sir Syed Raza Ali: Is it not a fact that he does not hold any certificate or diploma from any Government recognised institution?

Mr. J. D. Tyson: He has not obtained a diploma.

Sir Syed Raza Ali: or certificate or any training in any Government recognised institution?

Qazi Muhammad Ahmad Kazmi: He is in the profession for a long time.

Mr. J. D. Tyson: I do not know whether it was a Government institution or not in which he studied draftsmanship, but I think it was at Poona.

Sir Syed Raza Ali: Not a Government institution?

Mr. J. D. Tyson: I do not know.

Sir Syed Raza Ali: With regard to the interesting answer given by my Honourable friend to part (b) of my question, may I know what action Government propose to take with reference to an advertisement being put in newspapers candidates applying for the post, and yet without those candidates being interviewed the appointment being made by the Head of the Department. This is a grave irregularity. May I know what action Government propose to take on this question against the man who was responsible for this grave irregularity?

Mr. J. D. Tyson: I do not admit it is a grave irregularity.

Sir Syed Raza Ali: I shall correct myself—irregularity.

Mr. J. D. Tyson: I do not think that there was any irregularity. There was nothing in the advertisement that said that candidates shall be called for interview. I have already admitted that we are not satisfied that it is a fair thing to appoint a man without interview, and that is why we have reopened the matter.

Sir Syed Raza Ali: May I put one more question? This will be my last question. May I ask what led to this irregularity? What induced the officer concerned not to interview the candidates?

Mr. J. D. Tyson: He wanted a man in a great hurry.

Sir Syed Raza Ali: The Brahmin candidate?

Mr. J. D. Tyson: The man. The candidate chosen had already worked—in a higher post actually—in the office, and so his capacity was known.

Mr. Lalchand Navalrai: May I know if the Honourable Member has any one in view in his place? Is he a Muslim?

Mr. J. D. Tyson: I do not fill this vacancy at all.

Maulvi Muhammad Abdul Ghani: May I know from the Honourable Member whether this is a Department where a Brahmin candidate can be given preference?

Mr. President (The Honourable Sir Abdur Rahim) Next question.

COMPLAINTS ABOUT THE TREATMENT OF PATIENTS IN THE IRWIN HOSPITAL, NEW DELHI

†169. ***Kunwar Hajeer Ismael Ali Khan:** (a) Will the Education Secretary please state whether he is aware that the general public of Delhi is not satisfied with the staff of Irwin Hospital, New Delhi?

(b) Is it also a fact that a committee consisting of Lieutenant-Colonel J. B. Hance, I.M.S., and Mr. Nawab Singh, I.C.S., Sessions Judge, Delhi, was recently appointed to enquire into the case of death of Nagma Begam, daughter of Mr. Sirajuddin Ahmad of Delhi, caused by the negligence of the doctors at the Irwin Hospital?

(c) If the answer to part (b) be in the affirmative, will he please lay a copy of the report of the Committee on the table?

(d) What action have Government taken on the recommendation of the Committee against doctors? If none, why not?

Mr. J. D. Tyson: (a) Government are not aware that the general public of Delhi are not satisfied with the staff of the Irwin Hospital.

(b) A committee constituted as stated was recently appointed to enquire into the circumstances attending the death of Nagma Begum and her treatment in the Irwin Hospital.

(c) and (d) The report of the committee is under consideration.

†Answer to this question laid on the table, the questioner being absent.

INDIAN EMPLOYEES OF THE SUPPLY DEPARTMENT GETTING A RAPID PROMOTION.

170. *Sardar Sant Singh: Will the Honourable the Leader of the House please quote any instance of an Indian employee of the Supply Department who received as rapid a promotion as Mr Teal did, as was disclosed in his answer to question No 24 on the 12th February, 1941?

The Honourable Sir Muhammad Zafrullah Khan: The attention of the Honourable Member is invited to the statement placed on the table of the House with reference to Sir Ziauddin Ahmad's question No 10 answered on the 17th February, 1941. The statement shows the present and the previous emoluments of all the officers employed in the Department of Supply and the Contracts Directorate. I may also add that I have no recollection that I made any such statement as is attributed to me in the Honourable Member's question.

Sardar Sant Singh: Will the Honourable Member kindly refer to his reply to my supplementary question on this subject? He said he wanted notice of this question.

The Honourable Sir Muhammad Zafrullah Khan: This question implies that I had stated that Indians had also received as rapid promotion.

Sardar Sant Singh: I was referring to my supplementary question to which the Honourable Member replied that he wants notice of that question. I gave the notice and I want to find out if there is any case of an Indian getting as rapid a promotion as Mr Teal did.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member's question has not the implication which I have repudiated, I have no objection to the matter being put in this way. I have now given complete information with regard to everybody in the Supply Department and the Contracts Directorate.

Sardar Sant Singh: If the Honourable Member can look into that long list and

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member can read it and draw his own inference.

GOVERNMENT SUBSIDY TO SHIPPING COMPANIES

171. *Mr. Muhammad Nauman (on behalf of Dr Sir Ziauddin Ahmad) Will the Education Secretary be pleased to state the amount of subsidy paid by Government to shipping companies? To whom was such subsidy paid, and why?

Mr. J. D. Tyson: To permit of the provision of reasonable facilities for the performance of the Haj pilgrimage and to render possible the limitation of steamer fares to rates in the neighbourhood of pre-war rates, it was decided, in consultation with His Majesty's Government in London, to accept a liability, to be shared with His Majesty's Government, for certain items of expenditure directly attributable to the war, such as the cost of equipping pilgrim ships against air attack, of war risk insurance and of abnormal delays due to war conditions. No subsidy has actually been paid so far, as no claim has been presented.

NON-FILLING OF CERTAIN AMALGAMATED POSTS OF BINDERS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI

172. *Mr. H. A. Sathar H. Essak Salt (on behalf of Nawab Siddique Ali Khan) Will the Honourable Member for Labour please state

- (a) whether it is not a fact that a few years ago 19 posts in the Bindery Branch of the Government of India Press, New Delhi, were transferred from piece to fixed pay basis on different rates of pay,
- (b) whether it is not also a fact that these posts were earmarked only for new hands, debarring the old ones totally from being appointed to any of them,
- (c) whether it is not a fact that the old Binders of the said Press represented the above matter to the Controller of Printing and Stationery many a time and as a result of these petitions, Government passed orders to amalgamate the 19 posts, forming a uniform cadre and affording the benefit to the old and new hands alike,
- (d) whether it is not a fact that before the amalgamation of the 19 posts, four posts, carrying different rates of pay (Rs 40 to 50), were kept in abeyance, each of them to be filled biennially till 1946, if so, why,
- (e) whether Government intend to consider now the question of not applying the same principle to the case of old binders and fill the four posts immediately,
- (f) whether there is any parallel procedure of filling certain posts, sanctioned or amalgamated, in any other office, within certain years and not immediately, and
- (g) if this procedure is not followed in any other office, what is the justification for doing so in the case of the low paid binders of the Government of India Press, New Delhi, and if they are prepared to fill the four amalgamated posts immediately as they do in other offices, if not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes, Sir

(b) When these posts were created they were earmarked for those hands who previously held the piece rate posts

(c) Yes Representations were received on two occasions by the Controller of Printing and Stationery who finally agreed to the fusion of the posts in question with other similar posts in the bindery

(d) Four posts on rates of pay between Rs 40—50 were held in abeyance on that date, though four posts on Rs 35 were in existence in lieu of them. The pay of these posts will be increased biennially (in 1942, 1944, 1946) till they reach the sanctioned rates of one on Rs 40, two on Rs 45, and one on Rs 50

(e) No

(f) I have no information.

(g) The justification was that had all the posts been created at the sanctioned maximum rates earlier, certain binders would have received

an increase in pay which in the circumstances of the case was unnecessarily large

Mr. Muhammad Azhar Ali: Have Government got special procedure for higher and lower paid staff? Why was this procedure adopted specially in the case of the low paid staff?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The Honourable Member is referring to part (g) of the question I said in reply

"The justification was that had all the posts been created at the sanctioned maximum rates earlier, certain binders would have received an increase in pay which in the circumstances of the case was unnecessarily large"

If my Honourable friend is referring to that, I may state that I shall have that question re-examined

Maulvi Muhammad Abdul Ghani: Arising out of (b), may I know why the old employees were debarred from being promoted?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The answer to (b) is that when these posts were created they were earmarked for those hands who previously held the piece rate posts

STAFF SUBORDINATE TO THE BUILDING INSPECTOR OF THE DELHI IMPROVEMENT TRUST WHO HAVE RESIGNED

173. ***Mr. Muhammad Azhar Ali:** With reference to the reply to starred question No 605 of the 1st April, 1940, will the Education Secretary please state the number of staff subordinate to the Building Inspector of the Delhi Improvement Trust who have resigned since 1st April, 1940?

Mr. J. D. Tyson: Two members of the staff subordinate to the Building Inspector of the Delhi Improvement Trust have resigned since 1st April, 1940

CLERICAL AND OTHER APPOINTMENTS IN ALL SECTIONS OF THE DELHI IMPROVEMENT TRUST

174. ***Mr. Muhammad Azhar Ali:** (a) Will the Education Secretary please state the number of clerical and other appointments in each and every section of the Delhi Improvement Trust who are at present employed?

(b) How many of these appointments were made since 1st January, 1939?

(c) What is the number of Muslims, Hindus, Sikhs and other communities in all these appointments separately?

Mr. J. D. Tyson: (a) to (c) A statement giving the information required by the Honourable Member is laid on the table

(a) Lands and General Section	68
Accounts Section	11
Building and Architectural Section	28

(b) 28 appointments have been made since 1st January, 1939

(c) Hindus	65
Muslims	37
Sikhs	3
Others	2

DISMISSALS FROM THE DELHI IMPROVEMENT TRUST SERVICE.

175. *Mr. Muhammad Azhar Ali: (a) Will the Education Secretary please state the number of men who have been dismissed from the service of the Delhi Improvement Trust since 1st January, 1939?

(b) To which community or communities did these men belong?

Mr. J. D. Tyson: (a) Four.

(b) Three were Hindus and one a Muslim.

SUSPENDED EMPLOYEES OF THE DELHI IMPROVEMENT TRUST

176. *Mr. Muhammad Azhar Ali: Will the Education Secretary please state, communitywise, the number of the employees of the Delhi Improvement Trust who have been suspended since 1st January, 1939?

Mr. J. D. Tyson: Five employees of the Trust have been suspended since the 1st January, 1939. Of these three were Hindus, one a Muslim and one a Sikh.

Mr. Lalchand Navalrai: May I know what is the reason for their suspension?

Mr. J. D. Tyson: I should have notice of that.

Mr. Lalchand Navalrai: Is it on account of the ratio? What is the reason?

Mr. J. D. Tyson: It has nothing to do with the ratio. Three of them have been dismissed. They were suspended for offences for which they have subsequently been dismissed. One was suspended while certain charges were framed against him, and he has resigned and his resignation has been accepted.

Sir Cowasji Jehangir: Were they committing offences according to the ratio?

(No answer)

PROMOTIONS MADE IN THE VARIOUS GRADES OF STAFF OF THE DELHI IMPROVEMENT TRUST

177. *Mr. Muhammad Azhar Ali: Will the Education Secretary please state, communitywise, the number of promotions in the various grades of staff of the Delhi Improvement Trust which have been made since 1st January, 1939?

Mr. J. D. Tyson: Three promotions were made from the Rs 40-2½-90 to the Rs 60-4-120 grade. All the three men promoted were Hindus.

Mr. President (The Honourable Sir Abdur Rahim) The answers to questions Nos 178 to 186 will be laid on the table, as they are in excess of the quota of five.

LACK OF NECESSARY CIVIC AMENITIES IN KAROL BAGH, DELHI.

†178. ***Mr. Muhammad Ashar Ali:** (a) Will the Education Secretary please state whether it is a fact that most of the streets in Karol Bagh, Delhi, are not yet lighted?

(b) Is it a fact that several roads and streets in Karol Bagh have no name boards?

(c) Will the Honourable Member please state the reason for having put up name boards on roads in New Delhi and certain areas of Old Delhi?

(d) Is it a fact that questions have been put in the past in this House enquiring whether necessary amenities of living have been provided for the extended and old area of Karol Bagh?

(e) Is it a fact that assurances have been given in reply to these questions that all necessary amenities will soon be provided?

(f) Will the Honourable Member please state when the matter of lack of amenities in Karol Bagh was first brought to his or to Government's notice?

(g) Is the Delhi Municipal Committee responsible for supply of civic amenities in Karol Bagh? Was this authority communicated with by Government for providing necessary amenities in that area? If so, when?

(h) When is the authority concerned expected to comply with the Government instructions regarding the provision of civic amenities to tenants?

Mr. J. D. Tyson: (a) No The main streets in Karol Bagh have been provided with electric lamps, the by-lanes are lit with kerosene oil lamps

(b) Yes The question of naming the streets in this locality is under the consideration of the Delhi Municipal Committee

(c) Name boards have been put up to assist the public in finding their way

(d) Yes

(e) Yes The assurances given were in respect of the services to be provided under the scheme sanctioned for execution by the Delhi Improvement Trust Most of these have been provided and the remainder will be completed in the next financial year

(f) Precise information is not available but the matter has been the subject of questions in the House at various times during the past ten years

(g) and (h) The Trust scheme known as the Western Extension Scheme included the provision of certain services in Karol Bagh, and with the exception of some sewerage which has still to be completed these have now been provided For the rest the provision of civic amenities is a matter for the Municipal Committee, who cannot be unaware of the position in this respect No specific instructions have been issued to them on the part of Government

†Answer to this question laid on the table, the questioner having exhausted his quota

REDUCTION OF RENT OF GOVERNMENT QUARTERS AND GRANT OF SUMMER ALLOWANCE TO THE MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA

†179. *Mr. Muhammad Azhar Ali: (a) Will the Honourable the Labour Member please state whether, in view of the permanent detention of about 80 per cent of the Government of India ministerial staff at Delhi, Government considered the question of reducing the rent of their quarters? If so, have they arrived at any decision? If so, what? If not, why not?

(b) Was any representation in this connection made by the said ministerial establishment?

(c) Did the Honourable Member give any assurance in the last Budget session that he would consider sympathetically the question of (i) reducing the rent of quarters, and (ii) granting summer allowance to the staff?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b) A representation on the subject from the Imperial Secretariat Association is under consideration. The delay is due to the necessity of consulting other Departments concerned.

(c) No.

APPOINTMENTS IN THE SUPPLY DEPARTMENT, INDIAN STORES DEPARTMENT AND OFFICE OF THE DIRECTOR OF CONTRACTS

†180. *Mr. Muhammad Azhar Ali: Will the Honourable the Law Member please state the number of appointments in various grades, clerical and officers, in the Supply Department, Indian Stores Department, and Office of the Director of Contracts, made since 1st May, 1940? How many of these were Hindus, Muslims, Sikhs, and other communities?

The Honourable Sir Muhammad Zafrullah Khan: I place on the table a statement giving the necessary information.

Statement showing the number of appointments (new recruitment) in various grades, clerical and officers, in the Supply Department, Indian Stores Department and office of the Director of Contracts made since 1st May, 1940, and the communities to which the incumbents belong

	Hindus	Muslims	Sikhs	Other Com- munities	Total	Remarks
I Officers						
Supply Department Sectt	2	2		4	8	} Division into grades is not feasible as the majority of the appointments are not divided into any regular grades or classes
Office of the Director General, Supply	8	1		9	18	
Office of the Director General, Munitions Production	3	1		48	52	
Indian Stores Deptt—						
Class III	5	1			6	} These posts are non-gazetted
Class IV	21	7	1	3	32	
Miscellaneous	2	3			5	
* Technical Subordinates						
Examiners of Stores	46	15	3	4	68	
Supervisors of Textiles	11	5		1	17	
Contracts Directorate—						
Captains	1	1		3	5	
Lieutenants	3	1			4	
2nd Lieutenants	3			6	9	

†Answer to this question laid on the table, the questioner having exhausted his quota.

Statement showing the number of appointments (new recruitment) in various grades, clerical and officers, in the Supply Department, Indian Stores Department and office of the Director of Contracts made since 1st May, 1940, and the communities to which the incumbents belong—contd

	Hindus.	Muslims	Sikhs	Other Com- munities	Total	Remarks
<i>Other Organisations—</i>						
Controllers of Supplies	1	2		2	5	
Personal Assistants to Controllers of Sup- plies	1	2		2	5	
Technical Assistants	1				1	
Mica Inspectorate	1			1	2	
Total	109	41	4	83	237	
<i>II Clerical Staff</i>						
<i>Secretariat—</i>						
Superintendents	1				1	
Assistants	10	1			11	
Clerks—II Division	7				7	
Clerks—Routine Divi- sion	17	3		1	21	
Stenographers	4	3	1	1	9	
<i>Directorate General, Supply—</i>						
Superintendents	1				1	
Assistants	18	7			25	
Clerks—II Division	11	8	1		20	
Clerks—Routine Divi- sion	41	17	5	1	64	
Stenographers	5	3	1		9	
<i>Directorate General, Mu- nitions Production—</i>						
Superintendents	2	..	.	2	4	
Personal Assistant to Director Civil Pro- duction Commercial	1				1	
Senior Accountants	2				2	
Technical Assistants	3			1	4	
Assistants	14	5	1	7	27	
Clerks	133	44	2	10	189	
Stenographers	3	2	1	11	17	
<i>Indian Stores Depart- ment (Office of the Chief Controller of Stores)—</i>						
Superintendents				1	1	
Assistants	9	11	2	2	24	
Clerks—II Division	17	10	3	3	33	
Clerks—Routine Divi- sion	60	34	10	6	110	
Stenographers	3	1		4	8	

Statement showing the number of appointments (new recruitment) in various grades, clerical and officers, in the Supply Department, Indian Stores Department and office of the Director of Contracts made since 1st May, 1940, and the communities to which the incumbents belong—contd

	Hindus	Muslims	Sikhs	Other Com- munities	Total	Remarks.
<i>Sub Offices of the Indian Stores Department—</i>						
Head Clerks	1				1	
Senior Clerks	3	1			4	
Junior Clerks	86	30	2	12	130	
Stenographers	3	3		1	7	
<i>Contracts Directorate—</i>						
Lower Division A I C						
C Clerks	186	69	12	16	283	
Stenographers	6		1		7	
<i>Other Organisations</i>						
<i>Office of the Controllers of Supplies—</i>						
Superintendents	1			1	2	
Head Clerks	2	1			3	
Senior Clerks	3	1		1	5	
Junior Clerks	5	5		2	12	
Stenographers	5			2	7	
<i>Mica Inspectorate—</i>						
Clerks	3				3	
Total	666	259	42	85	1,052	

**ACQUISITION OF LAND FROM RAI SAHIB KARTIK DAS FOR OPENING UP A LANE
IN NN BLOCK, KAROL BAGH, DELHI**

†181. ***Mr. Muhammad Azhar Ali.** With reference to the supplementary question to starred question No 556, dated the 28th March, 1940, will the Education Secretary please state what action was taken in the matter of acquiring some land from Rai Sahib Kartik Das for opening up a lane in NN Block, Karol Bagh, Delhi?

Mr. J. D. Tyson: No such action has been taken the Trust have not so far framed any scheme for dealing with this area

UNSATISFACTORY SANITARY CONDITIONS IN KAROL BAGH, DELHI

†182. ***Mr. Muhammad Azhar Ali:** (a) Will the Education Secretary please state whether Government are aware that most of the roads, streets and lanes in Karol Bagh, Delhi, are being used for stabling horses and cattle and for stocking fuel, etc ?

(b) Are Government aware that on this account the whole area remains very dirty?

(c) Is there any municipal staff to look after the sanitation of the place and to prevent such state of affairs?

†Answer to this question laid on the table, the questioner having exhausted his quota

(d) What is the reason for no action being taken to improve the sanitary conditions in Karol Bagh?

Mr. J. D. Tyson: (a) Government are not aware of any general complaint of this nature. The Municipality state that when such cases occur the Municipal Committee takes appropriate action.

(b) No

(c) Yes

(d) It is understood that the Municipal Committee take action when necessary.

LACK OF NECESSARY CIVIC AMENITIES IN KAROL BAGH, DELHI

†183 ***Mr. Muhammad Azhar Ali:** (a) Will the Education Secretary please state whether Government are aware that sanitation in Karol Bagh, Delhi, and in the adjoining areas is very unsatisfactory?

(b) Are Government aware that the Municipal Committee takes no steps to clean up dirty places?

(c) Are Government aware that most of the roads in Karol Bagh are full of dust and pits?

(d) Are Government aware that most of the roads and streets in Karol Bagh are not electrically lighted, and are practically dark during the night?

(e) What was the object of the Karol Bagh Extension Scheme?

(f) Are Government aware that the object of having a healthy, model colony is being frustrated by the Delhi Municipal Committee by their not taking any action to provide the necessary sanitary and other amenities in this area?

(g) For how long has this state of affairs existed?

(h) Are Government prepared to set up an enquiry committee, consisting of responsible persons, such as legislators, etc., to look into the working of the Delhi Municipal Committee and to supersede the Committee, if necessary?

Mr J. D. Tyson: (a), (b) and (c) No

(d) All the main roads in Karol Bagh are provided with electric lamps and the by-lanes with oil lamps.

(e) and (f) The object of having a healthy suburb to relieve congestion in Delhi has been secured to a large extent. Conditions in the area are markedly better than they were a few years ago.

(g) Does not arise.

(h) The answer given to the previous parts of this question does not disclose the necessity of action of the kind suggested by the Honourable Member.

APPOINTMENTS, PROMOTIONS, ETC., IN THE STAFF OF THE DELHI MUNICIPAL COMMITTEE

†184. ***Mr. Muhammad Azhar Ali:** (a) Will the Education Secretary please state

(i) the number of appointments,

†Answer to this question laid on the table, the questioner having exhausted his quota.

- (ii) the number of promotions,
- (iii) the number of suspensions, and
- (iv) the number of dismissals,

made in the total establishment of the Delhi Municipal Committee since 1st January, 1939?

(b) Will the Honourable Member please state the community to which each of the persons falling in the four categories, mentioned in part (a) above belong?

Mr. J. D. Tyson: The necessary information has been called for and a reply will be furnished when it is received

GRANT OF CONVEYANCE ALLOWANCE TO MEMBERS OF THE WORK-CHARGE ESTABLISHMENT, CENTRAL PUBLIC WORKS DEPARTMENT

†185. ***Mr. Muhammad Azhar Ali** (a) Will the Honourable the Labour Member be pleased to state whether it is not a fact that the work-charge establishment (Fitters, Jamadars and Wiremen) in the Central Public Works Department, New Delhi, are employed on the same specific work as the regular supervising staff?

(b) Is it not a fact that the members of the supervising staff (Sub-Divisional Officers and Overseers) in the Central Public Works Department are granted conveyance allowance at Rs 30 and Rs 15 per mensem, respectively?

(c) Is it not a fact that the members of the work-charge establishment have to go from one quarter to another and from one square to another to perform their duty for nine hours daily?

(d) Is it not a fact that the distance travelled by them is nearly fifteen miles a day, i.e., three times more than the supervising staff?

(e) Is it not a fact that the members of the work-charge establishment are not granted cycle allowance and if not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar. (a) No

(b) Presumably the Honourable Member refers to the grant of a motor cycle allowance of Rs 50 and Rs 15 per mensem granted to Sub-Divisional Officers and Overseers, respectively. It may be explained that the grant of a conveyance allowance to these officers is dependent on the nature and extent of the duties they are required to perform

(c) No. They are assembled at the Enquiry Offices and detailed to attend to the requirements of work on Government residences as, when, and where required within their respective spheres of duty

(d) No. The supervising staff have to move about more than the members of the work-charged establishment

(e) Members of the work-charged establishment are not given a cycle allowance but in fixing their pay the fact that they would have to move about from place to place was specifically taken into consideration

†Answer to this question laid on the table, the questioner having exhausted his quota

NON-TRANSFER OF CERTAIN MEMBERS OF ELECTRICAL ESTABLISHMENT ON DUTY IN NEW DELHI

†186. *Mr. Muhammad Azhar Ali. (a)-With reference to the reply to starred question No 210, dated the 21st November, 1940, will the Honourable the Labour Member be pleased to state the names of the Central Public Works Department organisations outside Delhi and the number of appointments of Overseers Supervisors, Sub-Divisional Officers of the Electrical Establishment employed there with the dates of their appointment to those posts?

(b) Will he be also pleased to state the nature of the requirement of the public service interest for which the retention for more than fifteen years of the eight members of the Electrical Establishment referred to in the reply to starred question No 210 dated the 21st November, 1940, is considered desirable?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudahar' (a) A statement giving the desired information is laid on the table

(b) The proper and efficient conduct of the work

Statement showing the names of the Central Public Works Department Organisations outside Delhi, and the number of appointments of Overseers, Supervisors and Sub-Divisional Officers of the Electrical Establishment employed in such localities, with their dates of appointment

S No	Name of Division	Description of posts	No of posts	Date of appointment of the incumbent.
1	Indore Central Division	Mechanical Overseer	1	26 8 1934
2	Ajmer Central Division	Electrical Subordinate	1	1 9 1940
3	Sunla Central Division	Do	2	{ 10 10 1936 10 7 1940
4	Punjab Central Public Works Division	Do	1	22 6 1940
5	Bombay Central Public Works Division	Do	1	11-8 1937
6	Bengal Central Public Works Division	Assistant Electrical Engineer	1	1-3 1940
		Electrical Subordinates	5	{ 1 3-1940 1-12 1937 21 3-1940 21 3 1940 23 7 1940
7	Bihar and United Provinces Works Central Division	Do	2	{ 1-12 1939 23-2-1940

RECENT RESTRICTIONS ON SHIPS PLYING IN COASTAL TRADE OF INDIA

187. *Dr. P. N. Banerjee. (a) Will the Honourable the Commerce Member be pleased to state whether the predominant portion of the coastal trade of India is carried by ships of the British India Steam Navigation and the Asiatic Shipping Companies which ships are on the Register of the United Kingdom?

†Answer to this question laid on the table, the questioner having exhausted his quota

(b) Will the Honourable Member be pleased to state if two notifications were issued by the Government of India on the 19th September, 1940, for restricting, controlling and directing the movements of the ships plying in the coastal trade of India and of controlling the rates of freight that could be charged by such ships?

(c) Will the Honourable Member be pleased to state whether the ships on the Indian Register, usually plying in the coastal trade of India, Burma and Ceylon, are prohibited from going outside that trade without first obtaining a licence from the Government of India, but ships on the British Register plying in the same coastal trade are entirely free to go where they like without obtaining a licence from the Government of India?

(d) Will the Honourable Member be pleased to state if an obligation not to go out of their normal trade without first obtaining a licence from the Government of India is imposed on the ships on the Indian Register plying in the pilgrim trade between Calcutta, Bombay, Karachi and Jeddah, as no specific mention has been made in regard to the ships on the Indian Register plying in that trade in the notification?

(e) Will the Honourable Member be pleased to state whether in controlling the rates of freight and passage fares of ships on the Indian Register plying in the coastal trade of India, Burma and Ceylon, he is prepared to take into consideration the rise in the cost of operations of those ships since 1st June, 1940, the date mentioned in the notification, and also to see that the ships get a reasonable return, after providing for full depreciation, on the capital employed in those ships?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a)

Yes

(b) Yes I may, however, add that the notification relating to control of freights and fares issued on the 19th of September was cancelled by a notification on the 25th September as it was brought to the notice of Government that freights had been revised after the 1st of June, 1940, and before the date of the first notification. The other notification relating to the movement of ships was clarified by a further notification on the 8th February, 1941. Copies of both these notifications are in the Library of the Legislature.

(c) and (d) The attention of the Honourable Member is invited to the press communiqués issued by the Government of India on the subject dated the 19th December, 1940, and the 8th February, 1941, copies of which are laid on the Table. The Honourable Member will find from these communiqués that ships on the British Register plying on the coastal trade are not "entirely free to go wherever they like" but are under the complete control of the Government of the United Kingdom. The reason why a licence from the Government of India is not required in their case is due to the fact that these ships are under the control of the Government of the United Kingdom.

(e) I may assure the Honourable Member that all relevant factors will be given due consideration.

GOVERNMENT OF INDIA
DEPARTMENT OF COMMERCE
Press Communique

The Government of India have noticed in the Press statements that the policy which is being followed by them regarding the control of Indian registered shipping is discriminatory against ships registered in India and in direct contrast with the treatment accorded by His Majesty's Government to shipping registered in the United

Kingdom. These statements show complete misunderstanding of the position. A further statement has recently been made that the notifications issued by the Government of India in September controlling freights and movements of Indian registered ships were directed against Indian national ships and did not restrict ships of a certain line which are registered in India but controlled by British interests. This statement is not correct as the notifications applied equally to all ships registered in India.

2 In view of these statements the Government of India consider it advisable to explain the position regarding the extent of control under which British and Indian shipping operate.

3 All ships registered in the United Kingdom, which are operating on the coast and between India and other countries, have been requisitioned by His Majesty's Government. The terms of requisition provide that such ships, though they are managed by their owners, shall be under the complete control of His Majesty's Government. The owners receive a monthly rate of hire to cover the use of their ships and the cost of running them. Receipts of all voyages are for the credit of Government and any increase of freight does not in any way benefit the owners as receipts are purely a Government concern. Many of the ships so requisitioned have been employed continuously on defence, and other priority requirements, and the operations of the whole fleet can be so co-ordinated and controlled that other ships are readily available for those purposes if required. Except when such ships are required for defence and priority requirements, such control does not necessitate taking the ships off their ordinary trades, and in fact it is the intention that so far as possible ships not required for other purposes should operate on their ordinary trades, but even when so occupied their voyages and destinations are under Government control and all profits of such voyages go to Government.

4 It would have been possible for the Government of India to have requisitioned in a similar manner all ships over a certain tonnage registered in British India. But after consultation with shipowners in a conference held in Simla in June, 1940, (at which shipowners operating on the coast strongly opposed the adoption of any such policy) and careful consideration of all relevant circumstances, the Government of India decided that it was then unnecessary to impose on shipowners so extensive a measure of control. It was recognized however, that Indian registered ships must take their share in meeting urgent defence requirements, and that for this purpose it would be necessary to requisition ships on the Indian Register. The Government of India, therefore, decided that a policy of requisitioning only such ships as were necessary for defence purposes or urgent priority requirements would meet the needs of the situation and that it was unnecessary to resort to the more stringent control involved in general requisitioning.

5 A necessary corollary to the adoption of this policy of less stringent control was that adequate steps must be taken to ensure that owners of Indian registered ships should not take advantage of any possible shortage of shipping to raise freights unreasonably on their normal routes to the serious detriment of trade by those routes. Nor could the system of requisitioning ships on the Indian Register as and when necessary be worked if ships could be removed from their normal routes and chartered for special voyages outside these routes without the knowledge or consent of the Government of India. It was therefore explained by the Government of India at the Conference held last June that such control of freights and voyages was necessary and the necessity for this control was fully recognised. The notifications issued in September by the Government of India were merely for the purpose of giving statutory effect to that control. It was, however, found that the notification restricting freights to those charged on June 1st resulted in hardship, as there had been increases in expenses since those rates were fixed, and that notification was therefore withdrawn before it had become operative. The only control notification now in force is that prohibiting Indian registered ships from voyaging outside their ordinary trades without the consent of the Government of India though the issue of a further notification controlling freights is under consideration.

6 It will be clear from the above outline that the policy adopted by the Government of India so far from being discriminatory against Indian registered ships, gives them more favourable conditions of working than those under which British registered ships operate, and that such control as has been imposed, is necessary in order to ensure the best utilisation of Indian registered shipping during the war emergency.

H C PRIOR,

Additional Secretary to the Government of India

NEW DELHI,
The 19th December, 1940.

GOVERNMENT OF INDIA

DEPARTMENT OF COMMERCE

*Press Communiqué**Movement of Indian Registered Ships**Government policy of control*

On September 19th, 1940, the Government of India issued a notification restricting the movements of Indian registered ships to their existing trades so as to ensure that such ships would not be sent on voyages to ports other than those with which they ordinarily traded. Some doubt has, however, been expressed in certain quarters whether the notification actually so restricts the movements of those ships on the Indian Register which used to trade between the ports in India and on the Red Sea.

The original notification was designed to cover all Indian registered ships including those which used to trade between the ports in India and on the Red Sea and an amendment is being issued which will clarify Government's intention in this connection.

H C PRIOR,

Additional Secretary to the Government of India.

NEW DELHI,

The 8th February, 1941

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member please state whether the Government of the United Kingdom consults the Government of India on the control of these ships plying in the coastal trade of India?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The Government of India are constantly consulted about those ships.

Qazi Muhammad Ahmad Kazmi: May I ask if they have got any hand in controlling the activities of those ships in addition to simply informing the Government of the United Kingdom and giving their reply?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No, Sir. When any of these ships are required for the purposes of the Government of India, the Government of India consult, through the Shipping Controller, the Government of the United Kingdom.

Dr. P. N. Banerjee: If the present state of things is not considered satisfactory, will the Government of India reconsider the position?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That is a hypothetical question.

ORDER EMPOWERING APPLICATION OF BENGAL COMMUNAL RATIO RULES TO CERTAIN POSTS IN THE OFFICE OF THE REGISTRAR OF JOINT STOCK COMPANIES, BENGAL

188. ***Dr. P. N. Banerjee:** (a) Will the Honourable the Commerce Member please state whether it is a fact that the Government of India by an order dated the 1st March, 1939, empowered the Government of Bengal to fill in eleven posts in the office of the Registrar of Joint Stock Companies, Bengal, according to the Bengal communal ratio rules? If so, why?

(b) Will the Honourable Member be pleased to state whether the pay of the establishment of the office of the Registrar of Joint Stock Companies, Bengal, is borne on the Budget of the Central Government? If so, are not the clerks of this office employees of the Government of India?

(c) If the answer to the above be in the affirmative, will the Honourable Member state why the communal ratio rules of the Government of Bengal apply to them?

(d) Do the Government of India propose to consider the desirability of withdrawing their order, dated the 1st March, 1939, empowering the Government of Bengal to make appointments in the Registrar's office according to Bengal communal ratio rules and making their own rules regarding communal representation consistent with the Government of India's resolution passed on the subject in 1934?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: With your permission, Sir, I propose to reply to questions Nos 188 and 189 together

Prior to the introduction of Provincial Autonomy in 1937, the general administration of the Indian Companies Act, 1913, was vested by the Statute itself in the Provincial Governments. Under the Adaptation Order, all functions under the Act were restored to the Central Government but since the Act has all along been administered by the Provincial Governments and the arrangement was found to be satisfactory, most of the functions under the Act have been entrusted to those Governments with their consent under the present Constitution. The establishments employed in the provinces on Joint Stock Companies work are under the administrative control of the Provincial Governments who are both the appointing as well as the rule-making authorities in respect of those establishments. The necessary provision on account of those establishments is included in the Central Government's budget estimates and the grants as finally accepted are placed at the disposal of the Provincial Governments concerned.

2 With regard to the eleven posts referred to by the Honourable Member, the position is that the Government sanctioned these additional posts for the office of the Registrar of Joint Stock Companies, Bengal, and while doing so suggested to the Government of Bengal that the Registrar may be instructed to follow their rules regarding communal representation. The establishment being under the administrative control of the Provincial Government and not being a service under the direct control of the Central Government, the Provincial Rules are applicable and so long as the present arrangements for the administration of the Act in Bengal continue it would not be possible to enforce the Central Rules in the case of that establishment.

Dr. P. N. Banerjee: Are the Government of India considering the desirability of taking over the administration of this Central subject?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I cannot answer a question of that kind at this time.

ENTRUSTING THE ADMINISTRATION OF THE SUBJECT, JOINT STOCK COMPANIES, TO THE BENGAL GOVERNMENT

†189. *Dr. P. N. Banerjee: (a) Will the Honourable the Commerce Member please state whether it is a fact that the Joint Stock Companies are, under the Government of India Act, 1935, a central subject? If so, why has the administration of the subject been entrusted to the Government of Bengal?

(b) Are Government prepared to consider the desirability of taking over the administration from the hands of the Government of Bengal?

RECOMMENDATIONS OR RESOLUTIONS OF THE EASTERN GROUP CONFERENCE

190. *Dr. P. N. Banerjee: (a) Will the Honourable the Commerce Member be pleased to state whether Government propose to place their recommendations or resolutions of the Eastern Group Conference before this House for their approval and ratification before they are given effect to by them?

(b) Will Government be pleased to state whether they propose to take Indian commercial opinion into confidence in regard to any decisions arrived at by the Conference relating to the industrial development of the country?

(c) Will Government be pleased to state whether they propose to consult the Central Legislature before agreeing to any scheme involving financial burdens for defence or supply upon India?

The Honourable Sir Muhammad Zafrullah Khan: (a) No

(b) As the House is aware a number of representatives of commerce and industry in this country were associated with the Government of India delegation as Advisers

(c) The ordinary procedure will be followed

Mr. Lalchand Navalrai: May I know why the Central Legislature is being kept quite aloof from the doings of this Eastern Group Conference?

The Honourable Sir Muhammad Zafrullah Khan: Will the Honourable Member kindly repeat his question?

Mr. Lalchand Navalrai: May I know why the Central Legislature is not being consulted? I would like to know if the doings of the Eastern Group Conference will be brought before this House, and that nothing will be done before asking the opinion of the House and getting their sanction

The Honourable Sir Muhammad Zafrullah Khan: So far as I have been able to follow the question, I have answered it in answer to part 1 of the question

Dr. P. N. Banerjee: Will Government consider the desirability of placing the resolutions and recommendations of this Conference before this House?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir

† For answer to this question, see answer to question No 188

Mr. Muhammad Nauman: May I know whether the Indian Exchequer is going to meet any part of the expenditure of this Council?

The Honourable Sir Muhammad Zafrullah Khan: The original question was with regard to the Eastern Group Conference, but I imagine the Honourable Member's question is with regard to the Eastern Group Supply Council which has been set up. I answered the question only two or three days ago that the Government of India would have to bear a portion of the cost.

Mr. Muhammad Nauman: Then, are we not justified in asking for their resolutions to be put before this House?

The Honourable Sir Muhammad Zafrullah Khan: The question is with regard to the Eastern Group Supply Council, the Honourable Member is now asking about the Eastern Group Conference, these are two separate things.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member kindly inform the House whether it is not a well-understood and established practice that all expenses in connection with novel undertakings like this will primarily receive the consent of this House—I put as an instance, the Lee concessions?

The Honourable Sir Muhammad Zafrullah Khan: I have, as a matter of fact, answered this question already, viz that the Governor General has certified that the expenditure in connection with the Eastern Group Council was expenditure in connection with the war and therefore it was not necessary to lay it before this House.

Qazi Muhammad Ahmad Kazmi: Do the resolutions of the Eastern Group Conference in any way involve any financial expenditure that is to be met by this Government?

The Honourable Sir Muhammad Zafrullah Khan: The Eastern Group Conference has made certain recommendations and it is for the Governments concerned to decide whether they are going to give effect to them or not.

Qazi Muhammad Ahmad Kazmi: Before Government come to any decision, so far as such resolutions are concerned which affect the finances of this country, will they be prepared to take this House into their confidence in respect of those resolutions?

The Honourable Sir Muhammad Zafrullah Khan: That I have answered already.

Qazi Muhammad Ahmad Kazmi: The answer is in the negative?

The Honourable Sir Muhammad Zafrullah Khan: I have said that the ordinary procedure will be followed—that is the answer to part (c) of the question.

NEGOTIATIONS FOR ACQUISITION OF GERMAN MERCHANT VESSELS DETAINED
AT BATAVIA

190-A. *Dr. P. N. Banerjee: (a) Will the Honourable the Commerce Member be pleased to state whether it is a fact that the Government of India negotiated with the Government of the Dutch East Indies for the acquisition of about nine or ten German merchant vessels detained at Batavia?

(b) Will Government be pleased to state whether it is a fact that some of the vessels had been carrying cargo to India, but were diverted from their destination at the outbreak of the war?

(c) Will Government be pleased to state what have been the results of their negotiations in this connection and why they have not been able to secure those ships?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) No

(b) Yes

(c) Does not arise

POSTPONED QUESTION AND ANSWER

BAN ON EMIGRATION OF UNSKILLED LABOUR TO CEYLON

33 *Sir F. E. James: Will the Education Secretary be pleased to state

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- (a) whether he is aware that serious hardships have been caused to Indian labourers and their families as a result of the application of the ban on the emigration of unskilled labour to Ceylon imposed by the Government of India in their notification dated the 1st of August, 1939,
- (b) whether instructions were issued by the Government of Madras in June, 1940, relating to certain exemptions in the case of families, dependents, minor children, etc.,
- (c) whether the stringency of the ban has been lately increased, so that Indian labourers desirous of visiting India for particular social purposes, such as, deaths and other domestic matters and for restricted periods of time, are not able to do so, and
- (d) whether it is proposed to take steps in consultation with the Madras Government to exempt from the application of the ban and for specific periods of time cases referred to in parts (b) and (c) above?

Mr. J. D. Tyson: (a) The ban on emigration has caused hardship in a certain number of cases. As the Honourable Member is aware, it affects both Indian labourers caught in India by the ban and Indian labourers in Ceylon when the ban was imposed. As regards the former the Commissioner of Labour, Madras, has been authorised to grant exemptions from the ban in genuine and deserving cases of hardship and the number of labourers and their families affected is not very large. It is not possible to estimate how many labourers in Ceylon have been affected

(b) Yes.

(c) The operation of the ban has not been made more stringent of late. Exemptions are within the discretion of the Commissioner of Labour, Madras, but are not ordinarily granted to labourers desirous of visiting India for purely holiday purposes.

(d) The Government of India are willing to consider any specific representations that may be made to them from any source.

Sir F. E. James: Are Government aware that representations have in fact been made to the Government of Madras on this matter?

Mr. J. D. Tyson: They have not reached the Government of India, Sir.

Sir F. E. James: Are the Government of India aware that a completely Gilbertian situation has arisen whereby the Government of India are effecting, in Ceylon, what the Government of Ceylon would by immigration laws like to effect, but cannot, owing to undertakings which have been made and which have been referred to in a message from the Governor of Ceylon to the State Council?

Mr. J. D. Tyson: I am afraid I cannot express an opinion on that.

UNSTARRED QUESTIONS AND ANSWERS

NON-GRANT OF ACTING ALLOWANCE TO JUNIOR READERS OFFICIATING AS SENIOR READERS IN THE GOVERNMENT OF INDIA PRESSES

60. Bhai Parma Nand: (a) Will the Honourable Member for Labour be pleased to state whether it is a fact that there are various grades of Readers in the Government of India Presses, but no acting allowance is allowed under Fundamental Rule 30 to a junior Reader in the lower grade when he is required to perform the duties of a senior Reader in the higher grade on the plea that such officiating appointment does not involve the assumption of duties and responsibilities of greater importance than those attached to the post of a junior Reader?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member be pleased to refer to the reply given by the Government to question No 274, asked by Mr S C Mitra on the 30th January, 1929, in which Government have distinctly stated that "The responsibilities of a reader vary according to the grade to which he is employed" and state the reason why officiating allowance is not allowed in such cases? Does not such declaration by Government fulfil the conditions of the grant of acting allowance as laid down in Fundamental Rule 30?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and (b) The matter is under consideration.

PROMOTION OF CLERKS AS ASSISTANTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT

61. Bhai Parma Nand: (a) Will the Honourable Member for Labour please state how many vacancies in the posts of Assistants have been filled up by promotion from clerks in the Central Public Works Department during the last three years up to date?

(b) How many clerks of the Central Office have been promoted to these posts?

(c) How many clerks of the Divisional Offices have been promoted to these posts?

(d) If the reply to part (c) be in the negative, what avenues of promotion in their official career are left to the clerks in the Divisional Offices, especially graduate clerks?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Seven

(b) Seven

(c) None

(d) As the Central Office and Divisional Offices have separate cadres, it has hitherto been the practice to restrict the prospects of Clerks working in Divisional Offices to their respective Divisional units, except in the case of vacancies in the grade of Head Clerk, for which the claims of all the men have been taken into consideration. The policy for the future recruitment and promotion of Clerks in the Central Public Works Department, as a whole, is however under consideration, with a view to see to what extent men outside the Central Office may be considered for vacancies therein.

PROMOTION OF CLERKS AS HEAD CLERKS IN THE CENTRAL PUBLIC WORKS DEPARTMENT

62. Bhai Parma Nand. (a) Will the Honourable Member for Labour please state how many vacancies in the posts of head clerks under the Central Public Works Department have been filled in during the year 1940 by promotion from clerks?

(b) How many of these posts have been given to the clerks in the Rent Section which is a part of the Central Office?

(c) How many of these posts were given to the Divisional Office clerks?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Two

(b) Two

(c) None

PREFERENTIAL TREATMENT TO CENTRAL OFFICE CLERKS vis-à-vis DIVISIONAL OFFICE CLERKS FOR PURPOSES OF PROMOTION IN THE CENTRAL PUBLIC WORKS DEPARTMENT

63. Bhai Parma Nand: (a) Will the Honourable the Labour Member please state, if preferential treatment is being given for purposes of promotion to clerks in the Central Office, while better qualified clerks in the Division are being ignored?

(b) Is it a fact that the Chief Engineer, Central Public Works Department, has issued a circular that his office is not to be treated as a stepping stone, that is to say, the application of the persons working in the Central Public Works Department for jobs in other offices are not to be forwarded by the Central Public Works Department authorities, and if so, how is it reconciled with the treatment meted out to the graduate clerks in the Divisional Offices?

(c) Are Government prepared to consider the point that all promotions to the posts of Assistants and Head Clerks and Superintendents should be subject to passing some sort of departmental examination, and all the persons working in the Central Public Works Department, whether in the Divisions or the Central Office, should be eligible to appear in this examination?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) As has been explained in reply to part (d) of question No 61, the Central Office and the Divisional Offices have separate cadres and there is no question of preferential treatment

(b) Yes, a copy of the circular is placed on the table. It will be seen therefrom that in certain circumstances clerks are permitted to accept employment in other offices

(c) This question is receiving consideration in connection with the future general policy to which reference has been made in reply to part (d) of question No 61

CENTRAL PUBLIC WORKS DEPARTMENT

No 0753-E

Dated New Delhi, the 16th October, 1940

OFFICE MEMORANDUM

Experience has shown that permission has been granted too freely, in the past, to the staff of the Central Public Works Department, to apply for appointments in other Government Departments, irrespective of their duration. The effect of releasing men for short periods is that it creates difficulties in conducting the work of the absentees—necessitating, as it does, the employment of untrained persons, in their vacancies. With a view, therefore, to retaining the services of experienced men, as far as possible, and to putting a stop to the Central Public Works Department, being made a stepping stone to other appointments, the Chief Engineer has decided that, in future permission to accept employment, outside the Central Public Works Department, will only be given by him—

(1) in cases where the exigencies of the public service permit the grant of this indulgence, and

(b) if a better and permanent new appointment can be secured by the applicant, elsewhere

In all such cases, the applicant must be prepared to sever his connection with the Central Public Works Department, and should give this undertaking, in writing, at the time of making his request

(Sd) A M PRICE,
Administrative Officer

STATEMENT LAID ON THE TABLE

Information† promised in reply to unstarred question No 10 asked by Sir Ziauddin Ahmad on the 17th February, 1941

OFFICERS IN THE SUPPLY DEPARTMENT AND THE OFFICE OF THE DIRECTOR OF CONTRACTS

†Not printed in these debates but a copy has been placed in the Library of the House—Ed of D

THE RAILWAY BUDGET—LIST OF DEMANDS SECOND STAGE.

Mr. President (The Honourable Sir Abdur Rahim) The House will now resume the second stage of the discussion of the Railway Budget, that is to say, the Demands for Grants and the cut motions relating thereto. As regards the cut motions, the Chair was informed in the morning by Mr Aney and Sardar Sant Singh that they have arrived at some arrangement with the European Group and the unattached Members, and also the Government, as regards the order in which these cut motions will be moved. They promised to give the Chair a written list to that effect but no such list has been received yet, and the Chair does not know whether any arrangement has been arrived at or not. If no arrangement has been arrived at, then the House will go on with the motions in their order.

Sardar Sant Singh (West Punjab Sikh) Sir, the arrangement has been arrived at, and I will just now submit the list of cut motions that we propose to move.

Mr. President (The Honourable Sir Abdur Rahim) The list of cut motions is before the Chair, but it would like to know the order in which these motions are going to be moved. The Chair understands the members of the Muslim League Party are not taking any part in this discussion.

Mr. M. S. Aney (Berar Non-Muhammadian) The arrangement arrived at was that our Party is to move its cut first and the European Group will move their cuts tomorrow.

Mr. President (The Honourable Sir Abdur Rahim) Has notice been given to the Government by the various Parties of the motions that they will be moving?

Mr. M. S. Aney: The Government are aware of the cut motions which we are going to move. Unfortunately, the list has not been supplied to the Chair. It looks like that.

Mr. President (The Honourable Sir Abdur Rahim) Very well. As regards the time, the usual practice has been for the Mover of the cut motion to take 15 minutes and the other speakers also to take 15 minutes, and the Government Member replying to take 20 minutes. Will that suit the Members?

(Voices of "Yes", "Yes")

Mr. President (The Honourable Sir Abdur Rahim) Now, which is the cut motion that is going to be moved first?

Sardar Sant Singh: I will move cut motion No. 64. It relates to the first Demand.

The Honourable Sir Andrew Olow (Member for Railways and Communications) Sir, this cut motion would appear to relate to Demand No. 6-B.

Sardar Sant Singh: No, Sir, it relates to Demand No 1

Mr. President (The Honourable Sir Abdur Rahim) If there is to be a discussion regarding Demand No 1, the Chair will put it to the House. The Honourable Member had better move Demand No 1

DEMAND No 1—RAILWAY BOARD

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs 11,52,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of the 'Railway Board' "

Mr. President (The Honourable Sir Abdur Rahim) Motion moved

"That a sum not exceeding Rs 11,52,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of the 'Railway Board' "

Suspension of the pledge for manufacture of Locomotives in India for the period of war

Sardar Sant Singh: Sir, I beg to move

"That the demand under the head 'Railway Board' be reduced by Re 1 "

Mr. President (The Honourable Sir Abdur Rahim) Cut motion moved

"That the demand under the head 'Railway Board' be reduced by Re 1 "

Sardar Sant Singh: Sir, the question of undertaking the manufacture of locomotives in India is a very old one. First of all, in 1914, when the last war started, the Government issued a communiqué stating that "in pursuance of their expressed policy of making India as far as possible independent of outside sources in the supply of material, the Government of India have had under consideration the question of the construction of locomotive engines and they are now in a position to give a general undertaking that tenders will be invited only in India for all the railway locomotives and locomotive boilers required by Government during 12 years commencing with the year 1923". In pursuance of this communiqué, a certain attempt was made for the construction of locomotives in India. I do not propose to go into that history because I find that in the debate that was held on the 20th September, 1939, in the Upper House, Sir Guthrie Russell gave an undertaking that an Inquiry Committee had been arranged which will go into the whole question of the construction of locomotives, and that the report, when ready, will be placed before the House for discussion. That report was made in January, 1940, and the whole question of the construction of locomotives, their cost, the comparative price which the cost of production will entail in India and also the price paid for the purchase of locomotives from abroad was gone into. The Enquiring Committee went into the question of the capital cost which the Government will be called upon to lay out for the purpose of erecting the plant, machinery and workshop for the construction of broad gauge as well as metre gauge locomotives. In the short time at my disposal, it is not possible for me to go into the various recommendations of that committee. Suffice

it to say that the committee came to the conclusion that such a workshop should be erected at Kanchrapara and that the cost of the production of one locomotive of "XC" type of tonnage basis would be not more than Rs 98,000 per broad gauge locomotive. They also came to the conclusion that the cost of purchase of "XC" type engine of the same tonnage would be something like Rs 1,34,000 per locomotive. Looking into the recommendations of this report, we cannot escape the conclusion that the two chief objections which were raised by the Honourable Sir Muhammad Zafrullah Khan, who was then the Communications Member, in the debate which took place in this House in 1935 were met by this committee. Those two objections were that the construction of locomotives in India by the Railway Department was not a commercial proposition and that a guaranteed demand of at least 200 locomotives per year would be necessary to make it something like a commercial proposition for the railways. These two objections have been met in this report. They have taken a very conservative estimate of the requirements for the next 35 years of the various railways in India and they have come to the conclusion that 100 locomotives will be necessary for the coming years. At the same time they have said that if this normal demand is kept up there will be an actual saving in the cost price of the locomotives when the comparative prices are taken into account, the cost of production in India and the cost of purchase from outside India. With this difference in price, I think the objection to the production of locomotives in India as a commercial proposition disappears entirely. I do not know what action the Government have taken on this report, but I know this much that the Railway Board had decided to postpone the undertaking of the construction of locomotives in India during the period of the war. The plea taken up is that the factories in which the locomotives are to be manufactured are being used for the production of munitions and other weapons of war. I have no quarrel over that question, nor do I think that that question is relevant to the discussion involved in this cut motion. My point is this that the necessity for undertaking the construction of locomotives in India is to be looked at from various points of view. The first point of view is this, whether the railway system, which is the biggest of any one railway in the world, can afford to remain dependent upon the supply of such essential equipments as locomotives from foreign countries, particularly so at the present time. The present critical position should open our eyes to the fact that India cannot afford to remain dependent upon foreign countries for the supply of railway materials. A large capital of the Indian taxpayers' money is involved in the railway organisation. There is no reason why the railway organisation should not take courage in both their hands and begin to construct locomotives immediately in order to make India self-sufficient in the matter of supply.

The second point which I want to place before this House for consideration is this, that apart from the commercial aspect of the question, there is the political aspect to the question as well and that is that all the money that is spent in India will have invisible benefits to the State and one of them is that most of the unemployed that we find in India will be employed in the workshop that is proposed to be set up. Secondly, the money that used to go abroad will remain in India for the benefit of India, and thirdly, the tax paying capacity of Indians will increase by the prosperity that will be brought about by keeping this money in India itself. These are the advantages which have not been taken note of by this Committee.

[Sardar Sant Singh]

and we fail to see why the Government should persist in their policy of patronising the industries abroad and not create a very vital and key industry in India itself

At present the position is this, that owing to the war, the railways are being put to a very hard task of maintaining the running of the lines with the present stock of locomotives as well as wagons and other frameworks. The necessities of India require that railways should not depend for their supply of these vital parts upon foreign countries, as most of the countries which used to be patronised in the last war are now at war with Britain. It was in the midst of the war itself that Government gave us to understand that they will construct these locomotives. It may be said that the plant and the machinery are not available for the setting up of a workshop. I agree to differ on this point. Surely by reading this report, one would find that most of the materials that are required for the manufacture of locomotives are available in India. As regards the machinery our railway workshops are quite fitted to undertake the task and if any supplementary plant is required, that is available from America and can be had easily if we have a little bit of vision. There may be difficulties. My Honourable friend, Mr Boyle, shakes his head implying that the difficulties are genuine. May be. But is there anything which may not be done with a little bit of effort. (Interruption) I will add, boilers and locomotives also can be manufactured in India. If we look at the attitude of the Government as regards their policy for the past 26 years in the matter of construction of locomotives in India, we find that it is not the difficulty in getting the plant, but it is the lack of will in starting the construction of locomotives in India. But the Government of India take shelter behind the plea of the difficulty of getting the plant. Is it an honest and genuine plea? During the last war they took up the same plea. The last war ended in 1918, and the second war began in 1939. The interval of 20 years was not utilised to build up the necessary plant to undertake this construction. Therefore, if we on this side of the House take exception to the *bona fides* of Government in this matter we are justified and there are grounds for it. The policy of Government has all along been to patronise the British industries, German industries, American industries and all industries except Indian. Now, this House cannot permit Government, of course willingly, to postpone this issue. This House has carried this cut from year to year and has brought this to the notice of Government, and in this demand even the European Group has sided with us.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

Sardar Sant Singh: All right, Sir. The position, therefore, is that, in the face of this unanimous desire of the country, there is no reason why Government should postpone consideration of the question of the manufacture of locomotives in India till the conclusion of the war. Certainly there will be difficulties, but those difficulties can be overcome.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) Sir, I have taken part in this discussion, or the discussion relevant to the manufacture of locomotives, on many occasions on the floor of this House. I will take my memory back to the year 1937 when I played a conspicuous part and

we called upon Government to alter their policy. Before I say anything on the cut motion, I should like to make it quite clear that, strong as I have been in my advocacy, I have always felt that the present position of India so far as her needs are concerned, I mean her major industrial needs, have been the accumulative output of the policy of the Government of India, and that policy is one of studied bigotry and worship at those untouchable industries which they get from their own country. Year in and year out, India has been asking for practical demonstration from Government to help us in our major industries, and with equal unconcern Government have said that these demands are both unremunerative and uneconomical, and we have been forced to accept that position. But, Sir, there is no use crying over spilt milk, let us spill no more. To come to this motion, Sir, I think myself, after having heard what the Honourable Member said in his reply to the general budget discussion, let us forget the fact that this has been unremunerative in the past. Let us forget that in the past the Railway Board and the administration have been wholly wrong in their policy and throwing cold water on us in this House. I am not going to accentuate it or repeat it. But the question that is facing us today is the battle that is facing the whole Empire,—the urgent necessities of the war *versus* the manufacture of locomotives in India, and in these two sides I am perpared, on considering this matter very carefully, to say that the urgent and present need of Government is the supply to the Empire of its urgent necessities. I am not going to connect anything whatever between the past policy and this. I am looking at the present, and what is the urgent necessity today? Not even my Honourable friend, Sardar Sant Singh, will deny that it is to supply England and the Empire with all her ammunition to help us win this battle. The question of making a few locomotives in this country is nothing compared with the defeat of the Empire. If, on account of our mentality, we are going to put this in a secondary place, I think we are doing a great disservice to the Empire. I have been an ardent supporter of this, but there is no doubt that the present position of the country demands from us our support and our giving all the help that we can. I do know that most of our workshops are today,—and I have visited two quite recently,—employed in the manufacture of ammunition. I do know that these workshops which are usually employed for a lot of engine repairs cannot afford to replace the manufacture of ammunition with the manufacture of a few locomotives. Therefore, while I support the demand that India must have locomotives I feel that it is only right to accept Government's opinion that the Empire's call must take the foremost place in our minds, particularly in this representative House today. My Honourable friend, Sardar Sant Singh, talks about invisible benefits. But the washing out of unemployment is a very visible benefit, and I do believe that the manufacture of locomotives would alleviate our unemployment to a large extent. As for the benefit to the taxpayers and prosperity, these are obvious benefits. But these things, if he will reconsider the matter seriously, must give second place to the nation's needs. It would be interesting to know from the Honourable Member how many of the locomotives were obtained from Germany and how many from England, and it would also be interesting to know whether he can get any locomotives or the essential parts that go to make these locomotives from America or from England. I feel sure that from England he will never be able to get them and I believe that America is putting her whole energies forward in the manufacture of munitions for England, the Dutch East Indies, for Greece and certainly for India.

[Lieut-Colonel Sir Henry Gidney]

Sir, my Honourable friend, Sardar Sant Singh, made an astounding statement just now. He said that all the essential parts of a locomotive can be obtained in India today. I am not an engineer, any more than my Honourable friend the Railway Member, but the knowledge I possess on the subject tells me that it is our chief complaint that our workshops and our mechanics cannot supply or produce metal of the nature necessary for the important and essential parts of a locomotive. For instance, boilers and certain other very important parts of a locomotive are even today secured from England and assembled in the only locomotive workshop that we have, namely, Ajmer. I really do think that it is wrong to mislead the House and say that India can do it. That is one of our complaints against Government that we have not got skilled mechanics in this country. Indeed, Government make that fatal policy of getting crops of these men, foremen and assistant foremen, from England without properly training the men we have, and when a vacancy occurs we have got no one to fill it up. It is a sad commentary on the administration of locomotives in this country that we must indent on England at higher wages and higher sacrifices and so refuse us in this country the proper position that we should have. That, I say, is wrong. But I am yet to learn that India can supply those needs. Even if she is, I am prepared to subordinate my demand to the urgency of the nation's needs and I am prepared to be satisfied—and I do hope the Mover will be satisfied—when he realises how utterly and fully impossible it is for us to devote our time to anything but munitions. If the Honourable Member would be so kind as to tell this House that the moment India is freed from this urgent and immediate demand for munitions, he will not lose a single moment in throwing open these workshops for undertaking the manufacture of these locomotives, if the Honourable Member gives the House that assurance, I think that is the most he can give. But I should like to join my friend, Sardar Sant Singh, in pushing this to a division if I felt that it was a practical proposition. When in the general discussion I said the principle was wrong, it was wrong in the immediate—it was the aftermath of a wrong policy on the part of the government and from which we are suffering today—not only as regards locomotives but in aeroplanes and other heavy industry. But as I said, let us not look at it that way now. If the House can get that satisfaction—a definite statement from the Honourable Member,—I would like my friend not to press the cut motion which on the face of it no government can oppose. But in the face of our own feelings to win the war you cannot ask government to replace the manufacture of munitions by the manufacture of a few locomotives. I do feel that if the war goes on for a long time, the locomotives will be out of date soon—they will be practically irreparable. I believe the life of a locomotive is about 20 to 25 years, possibly 30 years—depending entirely whether they belong to the E I R from which you can see the other world, or whether they belong to other railways from which you can see India. But on this matter I would ask my friend, Sardar Sant Singh,—let us be practical, and whilst I share with him in entirety and with every national Indian that India must be put in a position to make her own major industries, let me appeal to him to put practice before theory, let us put the needs of the Empire before our aspirations and our desire to go ahead, much as I want to share with him in that respect.

Pandit Lakshmi Kanta Maitra (Presidency Division Non-Muham-
madan Rural) Mr President Sir, this motion is designed to draw once

again the pointed attention of the Government to the imperative necessity of starting at an early date the manufacture of locomotives in India. As the Mover of this motion has pointed out, it is indeed a heavy old question and it has been mooted on the floor of this House and elsewhere, time and again, but no tangible results have flowed therefrom.

Beginning from the year 1921, the very inception of this Legislative Assembly under the Montford Reforms, there has been an insistent demand from the representatives of the people to have this industry started immediately so as to make India self-contained in the matter of supply of locomotives for her railway systems. The stress and strain of the last great European war were felt by the Railway Administrations in India and they could not straightaway reject the proposal of starting locomotive manufacture. As is their usual way, they started making statements holding out hopes—sometimes going a step further and holding out something in the nature of promises. The country came to be lulled now and then by soft and pious phraseology, till the matter came in for serious consideration in the year 1935 in the Session of the Legislative Assembly at Simla. There we had a full dress debate on this question. As I recall today the proceedings of the Assembly on that date, I remember vividly the case made out by the then Finance Member, Sir James Grigg, against the starting of this industry in India. The principal objection raised by him was one of economies, in other words he contended that it was not a commercial or an economic proposition to start a locomotive factory in India, and he laid down the dictum, which is a truism, that unless an industry was essentially necessary for the very existence of the nation its Government could not go in for it at the sacrifice of the taxpayers' money. It was his considered opinion that such a scheme was doomed to failure, besides being a heavy burden on the Indian taxpayer. The then Commerce Member who took the cue from him emphasised his objection on the ground that railways were a commercial concern and as such, viewed from the point of view of commercial returns, such a scheme was not likely to be successful. It is interesting that while the spokesmen of the Government had been talking in this strain, the Tariff Board, which was appointed by it, in its report of the year 1924, struck an entirely different note. I shall make a short quotation from it relating to the claims of locomotive industry for assistance. On page 170 of their report they say

"The industry is very valuable from the national point of view. Apart from its importance as affecting the question of national defence"—and here I ask the attention of my Honourable friend, Sir Henry Gidney—"it is an industry which gives ample opportunities for the purpose of training Indians in mechanical engineering, and if India is made itself independent, as far as possible, in the supply of its railway requirements, it is essential that in its industrial organisation it should possess a well-established locomotive industry. With regard to the supply of labour also, it is favourably situated, for it cannot be regarded as an industry in which all labour has to be specially trained. There are many engineering works, Railway workshops and factories where labour of the kind required in this industry is available at reasonable cost and in sufficient quantity."

The whole of para 13 deals with the possibilities of this industry.

Lieut.-Colonel Sir Henry Gidney: But national defence is not life and death defence.

Pandit Lakshmi Kanta Maitra: If I get time I will reply to that part of the argument which engrossed the whole of the speech of Sir Henry Gidney, he gave us the impression while he was speaking on a cut motion, not on the subject of locomotive manufacture, but on the speeding up of armaments . . .

Lieut.-Colonel Sir Henry Gidney: Not a bit

Pandit Lakshmi Kanta Maitra: In the report of the year 1926—the Report of the State Railways Workshops Committee—the same thing is brought out once again and the conclusions are given on page 77 of the said report. I make no apology for giving a very brief extract from the report which runs as follows

“Assuming equal efficiency of organization and control on either side, all the elements of cost such as labour, materials and on cost have necessarily a tendency to be lower in a Railway workshop than in a private workshop. Private firms have ordinarily to provide a margin of ten per cent over and above their actual cost in the shape of profit, while it would be perfectly just if the State included interest alone as an element of cost. These are considerations which would obviously be taken into full account in determining the policy of the State, we only wish to emphasise here that, with respect to such components of locomotives and spare parts of carriages and wagons that have till now been manufactured almost entirely in railway workshops in India (and not locally purchased), and on the regular and expeditious supply of which depends the efficiency of railway transportation for which the Railway Board is responsible, the arguments advanced above, ought to carry more weight than when the manufacture of other articles is being considered.”

The further conclusions of this Committee are embodied in paragraph 400, page 77, but time is pressing and I cannot read to the House the passages, particularly the concluding portions, to which I have made a reference

Then, Sir, last year, in the year 1940, we got the final Report on this subject, I mean on the construction of locomotives in India in State Railway workshops. That Report is very clear and explicit. I will make only a casual reference to two or three passages in it. That Report establishes clearly and beyond the shadow of a doubt that the industry contemplated by this cut motion could be started immediately in India as the time was most opportune—I want to draw the attention of the House including my Honourable friend, Sir Henry Gidney,—to this significant sentence,—“the time was most opportune for building up such an industry in India now.” It is the opinion embodied in a Report which has been published by the Government of India, which apparently my Honourable friend, Sir Henry Gidney has not cared to read

Lieut.-Colonel Sir Henry Gidney: I want to know which one? Is that before or after the war?

Pandit Lakshmi Kanta Maitra: It was published after the war began, in January, 1940

Lieut.-Colonel Sir Henry Gidney: Published?

Pandit Lakshmi Kanta Maitra: Yes. The first three sentences will explain the position. This is what they say on the effect of the war on the manufacture of locomotives in paragraph 88 of their Report

“The results of our examination of the economies of locomotive manufacture have gone to show that locomotives can be manufactured in India at competitive prices without any State aid in the shape either of subsidies or protective tariffs, so long as the annual average demands of Indian railways for locomotives during their life cycles of 35 to 40 years are not likely to be much lower than the capacity of locomotive workshops of economic size.”

My friend, Sir Henry Gidney, said just now, that we are living at a time when spares and parts could not be had locally and they had to be

imported from outside India. May I respectfully draw his attention to page 17 of the Report? Here the materials have been divided into three categories—and on this the Committee says that the categories of articles mentioned in Group A and Group B—I do not propose to read out the list of articles mentioned thereunder—could now be manufactured by private companies in India, and there are indications to show that they will be manufactured. Then mention is made of a class of materials which for the time have to be imported from outside. Their number is small, but there also distinct opinion of the Committee is that the purchases would have to be made for only some years, though there are distinct possibilities of their being eventually manufactured in India. This is what is stated on page 17 of the Report.

Lieut.-Colonel Sir Henry Gidney: I have read it.

Pandit Lakshmi Kanta Maitra: I am very grateful to my friend. His memory has failed him if he has read this Report.

Lieut.-Colonel Sir Henry Gidney: No, no.

Pandit Lakshmi Kanta Maitra: But my Honourable friend, asked why we brought this cut motion before this House at a time when production of munitions was of utmost importance. We do not for a moment suggest that you should stop the manufacture of arms and ammunitions. We have never suggested that. We should be the last to come here and ask the Government to stop all production of munitions or other armaments at this time of the war. But our point is that, while it is necessary that you should have armaments or munitions for your offensive or defensive in the war you require no less, locomotives or engines to carry them for you, and you must have an efficient railway organization. If your locomotives cannot be replaced or repaired here and now, the result would be inefficient service, if not complete break down. Will it make for your own efficiency? It will not. Therefore, I say, if it is not possible for the Government to start the manufacture of locomotives this March or April, it is time for them to seriously apply their mind to this question. It is a very important matter, and now that the import of locomotives from other parts of the world is next to impossible owing to the international complications, it is all the more necessary that the matter should be more closely, more enthusiastically and more vigorously pursued.

Lieut.-Colonel Sir Henry Gidney: Where will you get the things from?

Pandit Lakshmi Kanta Maitra: My friend is always obsessed with the idea that we shall not be able to get the materials. I have shown him by reference to the different Reports, published not by Congress agencies, but by the Government themselves, authenticated Government Reports,—if Government don't give you correct Reports I cannot help,—but I assume that the Government Reports are correct,—I have shown by reference to those Reports that you have got enough material in this country, that you have ample scope and that your workshops, if properly fitted up and reorganized, are capable of manufacturing these locomotives in this country. There is the distinct finding of the Committee in the last Report to which I have made reference, that the Railway workshops at Kanchrapara and Jamalpur are eminently suited for the purpose of repair, overhaul

[Pandit Lakshmi Kanta Maitra]

and manufacture of locomotives, parts, under frames and so on, Kanchrapara has been recommended for the manufacture of locomotives and Jamalpur for the repair works of the locomotives, wagons and parts.

Sir, I think there is going to be another objection when all these difficulties have been met, and that is, a dearth of skilled technicians and a dearth of highly delicate plants. My reply to that is that this Government can never look beyond their nose. This country has given them warning after warning during the last two decades. If they had minded our warning in their own enlightened self interest, it would have been possible for them to establish a full fledged locomotive factory by now and this question would never have come up before them. But they did not pay any heed to our warnings, and they proceeded at snail's pace, with the result that this dilatoriness on their part is going to spell ruin to the railway industry in this country. Sir, we do not know how long the war will last. If it becomes a long drawn affair, it will be a serious problem for the Railway Administration to meet the growing demands for locomotives when there is no chance of a regular and steady supply of them from other countries.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

Pandit Lakshmi Kanta Maitra: from all these considerations, I commend this motion for the acceptance of this House. I want to make it quite clear once again—let not my friend, Sir Henry Gidney or for the matter of that, my friends of the European Group or the Treasury Benches, think that we want to censure Government by this cut motion. What we mean is to focus their serious attention on this question, the Government have slept for too long on this, and we want that they should at least now address themselves seriously to this question. Sir, with these words, I support this motion.

(At this stage, Sir Henry Gidney interrupted and said something which was inaudible.)

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member should not make running comments like that.

Mr. Lalchand Navalrai (Sind Non-Muhammadan Rural) Sir, I rise to support this motion. Industries in India require great encouragement. We have got a large number of Railways working in India, and no one can say that, without manufacturing these locomotives in this country itself, we can go on for a long time. Even though demands have been made, and in this House several Resolutions have been passed and many cuts have been pressed, we see that the Government have not moved an inch in that direction. Now, for the first time they come forward and say that there are no materials available in India, nor skilled labour, in order to build locomotives in India. I submit that Government ought to be condemned for this short-sighted policy. From the very beginning there has been a desire on the part of the Government not to build locomotives here, but to encourage and support the exploitation of this country by other countries outside. Those days have gone, and it is now time to see that there is no further exploitation of this country and the Government should come forward to build locomotives in this country.

It cannot possibly be denied that there is a great demand for the making of locomotives in this country. It is also admitted that at this time they cannot be imported from outside. If this is admitted the necessity for making locomotives is admitted. A start should be made at once, because, in my humble opinion, the engines that are available have already run their time, they have become old, and we see that on that account the railways are suffering. We see that engines are giving trouble, and, on account of their not working in a safer manner, there are accidents. I need not state that these accidents are due to the short sighted policy of not establishing the manufacture of locomotives in this country, or even repairing them properly. The traffic is suffering, it is undermined and there is no punctuality in running trains. There is delay in passenger trains which is affecting the traffic. The question is, what is the view of the Government? They cannot say that they have not given an assurance that locomotives can be established in India. This point was discussed on a Resolution in the other place when Sir Guthrie Russell said:

"I should like to assure Honourable Members that not accepting the Resolution is not on account of lack of sympathy on the part of the Government. I can assure them that there is no difference of opinion whatever between them and the Government as to the desirability of building Locomotives in India."

Nothing can be clearer than that. Further on, he said:

"There has been a report called for I can assure Honourable Members that the report will be sympathetically considered. As you know, at present Government give preference to stores of Indian origin. *(They do profess so, but they should show in practice what their intentions and desires are)* I have little doubt that the Government will also be prepared to stretch a point and start the building of locomotives in India. In other words, they will be prepared to give a reasonable price preference."

As I understood the Honourable the Railway Member when he touched on this subject during the general discussion on the railway budget, he is not averse to making a start, but his whole anxiety was that they are engaged in the manufacture of munitions and other materials for the war, in the railway workshops. Nobody will grudge them that. No one will say that the workshops should not work for the exigencies of the war, and in this House it is not claimed that the manufacture of munitions should be abandoned in favour of building locomotives. What we ask is this. Side by side with the manufacture of munitions for the war, you should not neglect this article of paramount necessity for the carrying on of the railways. It is urged that skilled labour is not available. I cannot understand that at all. Skilled labour can be secured for the war. They are actually working in the workshops, and one cannot understand that there is no skilled labour for the building of locomotives. That requires to be examined again. In the workshops they employ both skilled and semi skilled labour. If a few persons of the skilled labour are also employed side by side for making locomotives and you also train the semi skilled people, you can make both war materials and locomotives. An attempt in that direction should be made. It cannot be said that all the workshops are working in such a manner that they cannot spare any skilled men for the purpose of building locomotives. Therefore, I think that this excuse is one which should not be accepted.

As regards materials, it has been made plain that they are available. There are only a few materials which are not at present available in India. They can be secured from America and other places where there is no war.

[Mr Lalchand Navalrai]

Where there is a will there is a way. If they want to revert to the old policy that India should be exploited and not be made self sufficient.

An Honourable Member: What do you mean by old policy?

Mr. Lalchand Navalrai: They followed that policy, and they want it to continue. I call it old in the sense that some good sense is drawing upon them and they are at least admitting that locomotives should be built in India. Coming to my Honourable friend, Sir Henry Gidney, he sometimes makes bold assertions and comes forward to say with all the emphasis at his command, these materials are not available in India, or let it be proved otherwise. Has it not been proved yet by the references made to the report on the construction of Locomotives in India in State Railway Workshops, which was made in January, 1940? I would not read what has already been read and I would submit that if Sir Henry Gidney had read all this, he will change his opinion altogether. This report makes it quite clear and plain that these materials can be had in India. Here they have divided the materials into three groups. In group No. 1 are all articles of rubber, all articles of iron, buffers, regulators, sanding gear and soot blowers. In the second group are ejectors, injectors, superheater headers and others.

The Honourable Sir Andrew Clow: Will the Honourable Member read what follows "there are indications to show that they will be manufactured."

Mr. Lalchand Navalrai: I come to that. Then, it is said

"All items in Group A could now be manufactured by private companies in India and there are indications to show that they will be manufactured."

This point should be examined. Then, they say

"If there is any difficulty or delay in obtaining supplies at fair prices from local manufacturers, items 4, 5 and 6 can be manufactured in the new workshop. Items 4, 5 and 6 are Regulators, Sanding Gear and Soot Blowers."

Now, coming to the second group it is said

"We understand that all items in Group B will shortly be manufactured in India. A plant for acid steel is under erection and is expected to be in full working order in about a year's time. A plant for the manufacture of tyres (item 12) is on order and full production is anticipated by 1941."

We are now in 1941

"Assurances have been received that the requirements of the new industry in respect of items 14 and 15 will be met."

Items 14 and 15 are Re-rolled Special Steel Sections and Spring Steel.

Then, Sir, I come to the last part, that is the third group. There is also a possibility that they will be available in India soon, but in the meantime there are no such articles without which we cannot easily get on at present.

With regard to the third group, the following items will have to be imported for some years in any case, though there are distinct possibilities of their being eventually manufactured in India. They are

"Copper plates for boilers, copper rods for boilers, copper pipes for boilers, gauge glasses, armoured glass protectors and lubricator glasses, steel boiler tubes and elements, and asbestos mattresses."

Now, therefore, the position is this. If we make further investigation and the Honourable the Railway Member re-investigates this matter and gives his consideration to it, I am of opinion that he would soon find that he can get along with the material available in India and also with a little material that has to be sent for and also with regard to skilled labour, if he makes a serious attempt, he will get it.

Mr. President (The Honourable Sir Abdul Rahim) The Honourable Member's time is up.

Mr. Lalchand Navalrai. I will finish in one sentence. With regard to the skilled people, they cannot be found out simply by giving advertisements as is suggested by these two gentlemen, who were appointed for this purpose. A serious attempt should be made and people should be deputed to go and find out the material. I support the cut motion.

The Honourable Sir Andrew Clow: It is always a little disturbing to see a suggestion that a pledge has not been fulfilled and I was a little relieved to find from Sardar Singh's speech that the pledge related to a communiqué issued in the year 1921.

Sardar Sant Singh: It is only a year back that you told us that you could manufacture in India.

The Honourable Sir Andrew Clow: Since then a good deal has happened and if he had studied again the paragraphs of Messrs. Humphries' and Srinivasan's report which deals with this matter he would have seen why the communiqué which he quoted envisaged a policy which could not be carried out. Actually, as I am sure he is aware, a company was started and before it had ever manufactured a locomotive it found that it had started on false calculations and that it would require substantial protection to embark profitably on this venture. Then the matter was referred to the Tariff Board whose report has been cited and roughly speaking, the result of their inquiry was to show that the off-take was not sufficient to make it a practicable proposition and the company closed down.

An Honourable Member: Which year was that?

The Honourable Sir Andrew Clow: I think it was in 1924. They found that there was not a sufficient market in India.

Sardar Sant Singh: Why don't you take the later report?

The Honourable Sir Andrew Clow: I am coming to that. Suggestions have been made that the interval was occupied in unwarrantable and unreasonable delay. It is always very difficult to judge the actions of those who have gone before and were confronted by circumstances that are not the circumstances of today. I can only state my own opinion and that is that in those years India certainly gained an advantage by purchasing abroad. They purchased abroad in those days at prices very substantially below the cost that would have been incurred by any manufacture in India and the report to which Honourable Members have rightly referred, the report of last year, was of course written in very different circumstances indeed. I do not think that there is anything

[Sir Andrew Clow]

in the report of Messrs. Humphries and Srinivasan which proves that errors were made in the year 1924, let us say, and for some years thereafter in placing orders abroad. Of course, the argument has been used, here is a great war and what a tremendous advantage it would be if we had this plant here. I quite agree that if we had known, as Germany knew in 1934, that a great war was coming in 1939, that would have been a very strong argument for embarking not only on this but various other preparations that would assist us in the economic life of the country and in the prosecution of war.

Sardar Sant Singh: We warned you at that time and you would not listen.

Pandit Lakshmi Kanta Maitra: You were short-sighted.

Sardar Sant Singh: In 1937 we warned the Government and they would not try to make India self-sufficient. Today the same story goes on.

The Honourable Sir Andrew Clow: This is not my sphere—the field of defence.

Mr. President (The Honourable Sir Abdur Rahim): I thought the Honourable Member, Sardar Sant Singh, was wanting some information?

The Honourable Sir Andrew Clow: But I seem to remember the debates in this House on the excessive charges for the Defence budget. I never seem to have attended one in which it was suggested that that Budget should be very greatly increased to the scale that the Axis Powers increased their Budget.

Now, Sir, let me come a little nearer to the present position. It is said, "make only a little effort and you get a start". There has been some recognition even in Sardar Sant Singh's speech of the difficulties in the way, but I do not think they are fully appreciated, they lie in more than one direction. Let me take first the subject of men to which Mr. Lalchand Navalrai referred particularly, he said that there is no difficulty in securing skilled labour for the work. Well, there is a very serious difficulty. My Honourable friend, the Labour Member, is doing his best to secure skilled labour for work all over India and I think he would be very ready to assure the House that he has not yet got the skilled labour that he wants. There is a big scheme for training skilled labour. Even for that, I believe that the full numbers have not been secured, all that I know is that we are being combed to spare men for munitions work and that we are making considerable sacrifices in order to do all we can to assist in that direction.

Then, again, there is the question of materials. A reference has been made to three lists of materials in the Humphreys-Srinivasan Report, all lists of materials which were not then manufactured, and two of them lists of materials which they hoped would be manufactured. Progress has been made since then, particularly with certain steel processes, but

that progress is naturally directed at the moment in other channels, because acid steel and articles of that kind are required much more urgently for purposes connected with the war than for long-term needs like that of locomotives. In any case there is still a large group of materials that we cannot secure in India and there is very serious difficulty about obtaining these from abroad. As the House knows, we have been manufacturing for some time metre-gauge locomotives at Ajmer. I think there is a general impression that a metre-gauge locomotive is rather like a toy—not a real locomotive at all. Well, I wish some people could see the locomotives made. I think the work needed is about four-fifths of the work for broad-gauge locomotives. I took the opportunity, during the Christmas holidays, of visiting Ajmer and seeing the workshops and I found that although we have placed orders there for twenty-five broad-gauge locomotives so that we really are starting the manufacture of broad-gauge locomotives in India, and although they were anxious to proceed, they were actually held up for want of materials.

Pandit Nilakantha Das (Orissa Division Non-Muhammadan) May I know if these broad-gauge locomotives are to be manufactured in the same plant, i.e., the existing metre-gauge plant with some adjustments or a new plant is to be set up in the Ajmer-Workshops?

The Honourable Sir Andrew GLOW: The intention is that they should be manufactured in the existing workshops at Ajmer. It has been suggested that we can import materials from America but I need hardly remind the House of the problem both of exchange and of shipping all other needs.

Then again, there is the question of machine tools—a most vital thing. What has happened there? We have had a gentleman who has gone round our works scrounging, if I may use the word, for machine tools. One of our own officers was actually put on duty on behalf of the Supply Department to try and secure machine tools for other purposes, and the result is that of course we have to release and willingly release all the machine tools that we can spare. Then, if you are going to embark on large-scale locomotive manufacture, you must obviously have a separate workshop. I told the House in my speech introducing the Budget that the workshop that we regarded as the most suitable for the purpose is now devoted to munitions and it is not the only one. And although a workshop like that at Ajmer has capacity for dealing with broad-gauge locomotive manufacture on a limited scale it could not undertake work on the scale indicated by this report without transferring large amounts of work elsewhere, quite apart from the fact that it is itself on a metre-gauge railway and is by no means an ideal spot for the manufacture of broad-gauge locomotives. So these difficulties are real and although it is perfectly true that the report which Honourable Members have in their hands was actually presented and published after the war had begun, as Sir Henry Gidney has reminded the House, the situation today is a very different situation from the situation in January, 1940.

I have been asked—what about the future? Well, Sir, I always try, knowing how embarrassing they are, not to make pledges that successors very often have to fulfil in circumstances very different from those which are presented to me, and therefore I prefer to speak of the future not in terms of pledges but of predictions.

An Honourable Member: Astrological

The Honourable Sir Andrew Ulow: Let us look at the future. What is the position going to be? Let us assume that we cannot undertake this work until the war is over. What sort of position is going to confront us then? We are going to find, in respect of men, that India is better supplied with skilled labour than it has ever been before. We are probably going to find, if we are not careful, that there is a big surplus of skilled labour which, having been employed on this artificial—from the economic point of view—production of munitions, is in danger of being unemployed. Most of us remember what happened after the last war, when industries received an entirely artificial stimulus and many of them were in very serious difficulties owing to the disappearance of the demands created by the war. In respect of materials, I have not the least doubt that India will be far more self-sufficing than it is now. We have already made considerable progress in that direction, the progress is growing every day, and the processes which go to assist the manufacture of munitions include processes largely used in the manufacture of locomotives. Then as regards the demand. Every month that passes, as one Honourable Member has reminded the House, increases the obsolescence of our locomotives, and it increases the market for locomotives to be constructed, so that, whatever was the position when these two officers went round the country two years ago, there is no doubt whatever that the demand will be greater after the war than it is now. While, therefore, for the reasons I have stated, I am not proposing to pledge my successor who might belong to a very different Government and might face a very different House, I myself have ample confidence in the future.

Mr. President (The Honourable Sir Abdur Rahim) The question is

“That the demand under the head ‘Railway Board’ be reduced by Rs 1”

The motion was negatived

Policy of purchase in connection with development of Indian Industries

Pandit Nilakantha Das: Sir, I move

“That the demand under the head ‘Railway Board’ be reduced by Rs 100”

This is a very old question and has become practically a hardy annual. I am going to discuss the policy of purchase in connection with the development of Indian industries. Sir, our railways have been said to be a ‘national asset’. I do not know whether actually they are a saleable commodity. We have, however, just heard that Branch lines have been dismantled and sold in foreign countries. To that extent and in that sense they may be national assets. But they form no part of national wealth, so long as the nation does not command the skill of making the materials and using them. As for using them, the skill relates to the services. It means that the key positions and the technical posts should be manned by Indians. But this aspect of the question is not within my province now. I can only discuss how the skill for making those materials has never been sought seriously to be secured in India and from year to year it has been avoided, so to say, as best as it could be.

Sir, I shall straightaway come to the figures which will speak for themselves only with a little preliminary remark on the Stores Department. Early during the period when Montford Reforms were in the

making, an Industrial Commission was set up with very good intentions towards Indian Industries. One of their main products has been the Indian Stores Department. I do not know what this Indian Stores Department actually does directly and by any planned method for the promotion of Indian industries. I cannot say to what extent it is really Indian in its purchases of stores, except that the expression Indian Stores occur in its name. This Department is meant to purchase articles either from this country or from abroad and purchases them for Indian consumption. A recent innovation has now been introduced, and it is said to be a very great improvement that the Department should call for rupee tenders. That is the only important measure meant to make purchases Indian more and more and that rapidly and we find that that has been actually rather a very easy cloak for making foreign purchases under the name of 'Indian stores' for there is no difficulty for foreigners in tendering on rupee basis. Sir, in this Railway Administration Report we are given, year after year, a list which is to be found on page 83 of Volume I of this year's report. It shows how much has been purchased through the Indian Stores Department, year after year, as if it was something which would convince this House that the Indian industries are actually being developed as they ought to be. But purchase through Stores Department does not necessarily mean purchases of Indian Manufacture.

Then, so far as the railway purchases are concerned, I may point out that a demand has been made so far as I know since 1924 in this House that these purchases should be centralised so that the House and anybody else interested in the subject may know at once how the purchases are made. But it has not yet been done. Whatever be the virtues of the Indian Stores Department, all purchases have not been centralised even there. Company-managed railways, we are told, under the terms of their various contracts cannot be compelled to purchase through the Indian Stores Department. They can only be persuaded to make their purchases through that Department. They are thus at liberty to make their own purchases. Yet their purchases through the Indian Stores Department have gone up from one per cent to three per cent. Evidently they have got other agencies through which they make the rest of their purchases, and they may do so till they are themselves purchased by the State. But what about the State-managed railways? In their case also, there is a good deal which is purchased through other agencies. During the year under report they were able to make 98 per cent of their purchases not through the Indian Stores Department but through the Railway Board themselves. Then, there must be some other agencies in these railways for the purchase of other things. Therefore, we must have some explanation as to what articles are allowed to be purchased by themselves and what are the articles which are purchased by the Railway Board, and why? Why should the Railway Board make and purchases at all when there is the Indian Stores Department to make all the purchases? And if the Railway Board is to make so much of the purchases, what is the necessity of the Indian Stores Department? The purchases ought to be centralised. The Administration Report should give proper analysis marking out articles, such as, rails, sleepers, bridge material, etc., as completely indigenous, and detailed explanation as to how and to what extent other purchases are gradually being Indianised.

Then, we have got some figures for which my Honourable friend, the Railway Member, ought to be thanked. But so far as their explanations

[Pandit Nilakantha Das]

are concerned, I shall show how misleading suggestions are put in. On page 82 they say that "the value of 'indigenous materials' purchased increased by 95 lakhs while that of 'imported materials' declined by 8 lakhs." This happened this year, that is, the year under report.

The Honourable Sir Andrew Clow: The year under report means last year.

Pandit Nilakantha Das: When I say 'this year' with reference to the report in my hands, it must be taken to be 1939-40. The purchases of imported materials were less by eight lakhs. But this does not represent the actual position. Just look at the figures for the State-managed railways. Here it is three lakhs more. There may be some explanation. It may be that on account of anticipation of war conditions, certain stores were purchased in advance and there is, therefore, some increase. But this is only a plausible explanation. Why was it less by eleven lakhs so far as Company-managed railways are concerned? Why were they not anxious to purchase more materials? Again this suggestion is misleading in other ways. It is only this year that it is eight lakhs less than the previous year, taking both the Company and the State-managed railways together. But look at the whole list? When was it less? It has increased practically from year to year since 1932-33. In the case of State-managed railways, it was in the beginning, i.e., in 1932-33, Rs 234 lakhs, then next year it was 257 lakhs, then 262, then 343, 363, 322, 342 and then it has come to 345 lakhs in 1939-40. It has been increasing practically from year to year. So also if you take the Company-managed railways, this item of imported purchases began from 1932-33 to increase and it is now 297 lakhs in 1939-40. Here look at the year 1931-32. This is much nearer to the years of 150 crores scheme when imported purchases were purchased like cakes and even wagons and other stores and plants and machinery were allowed to rot and to be rejected. In that year the amount for imported purchase was 217 lakhs and now this year it is 297. Only last year, it was 307. In all other years it was less. It has been increasing decidedly from year to year.

Then we are told on page 84 that in the case of Company-managed railways, "the value of stores imported direct declined from Rs 155 lakhs in 1938-39 to Rs 137 lakhs in 1939-40." This is a fact. But how misleading is the statement? I do not know why such a misleading analysis is given at all in this table. There is no explanation for it. In the analysis of stores purchase we have got here (page 83) two columns—one column gives—stores imported direct from foreign countries, the other—imported stores purchased in India. What difference do they make either to the taxpayer or to the Railway Board or to the Indian industry? Perhaps you have got some agents here whom you ask to purchase from abroad and you purchase from them paying them some commission. Does it make any difference, if anything, then the difference is that you pay more by way of commission. If you do not do that, there is no difference at all. But from time immemorial these two columns appear, in giving the analysis. You say very suggestively that the stores "imported from abroad direct" decreased from Rs 157 lakhs to Rs 137 lakhs. This means nothing. There is the other column of imported purchases, which must be added to the figures for direct imports and then it should

be seen whether there is a decrease or increase. In this much valued table and in this analysis such misleading things should never appear. For instance, what do you understand when you find that last year imported articles worth Rs 10,000 was purchased direct by State-managed railways? The actual foreign purchases that year for State-managed Railways amounted to Rs 352 lakhs. When they purchased Rs 352 lakhs worth of stores imported from foreign countries, they have imported articles worth only Rs 10,000 directly from foreign countries so far as State-managed railways are concerned. Therefore, giving figures separately for stores imported direct is misleading. Rather it may be suggested that all foreign stores should be imported direct. No middle men should be patronised in the purchase of imported stores. Apart from other disadvantages, this practice is calculated to damage the interests of indigenous stores.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

Pandit Nilakantha Das: So, Sir, I say there should be detailed analysis, complete explanations and there should be some machinery to see that year after year Indian manufactured goods are purchased more and more. I simply draw the attention of the Honourable Member to this aspect of the question so that he might take steps thus to increase the national wealth of this country in a planned and conscious manner.

Mr. President (The Honourable Sir Abdur Rahim) Cut motion moved
"That the demand under the head 'Railway Board' be reduced by Rs 100"

The Assembly then adjourned for Lunch till Half Past Two of the clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr M S Aney, one of the Panel of Chairmen, in the Chair.

Mr. J. H. F. Raper (Government of India Nominated Official) Sir, the Honourable the Mover of this cut motion stated that the purchase policy of the Railway Board did not encourage proper development of indigenous industries, and he quoted as an example, railway track, and he stated that railway track was being picked up and sold to foreign countries. The example he gave is a particularly fortunate one because for many years track used by railways in India has been purchased in India and made in India, not only the track itself but also the sleepers, whether they be of steel, cast-iron or wood. Likewise, all the fastenings, i.e., fish-plates, are manufactured in India, and I may also mention that India manufactures rails for Burma as well and has done so for some time. Whilst no claim is made that the railway purchase policy has been entirely responsible for the Tata Iron and Steel Company's remarkable development, when I mention that rails and fastenings for Indian railways take up very nearly a hundred thousand tons of steel per year and have done so for a number of years and that this absorbs a large proportion of the capacity of the rolling mills in Tata's works, it should be admitted that the development has been materially assisted by the Indian railways' purchases.

[Mr J H F Raper]

Then, again, in addition to track there are bridges, girders for which are now manufactured in India. Then there are the underframes of carriages, these are now manufactured in India, whilst practically the whole of our normal wagon requirement is manufactured in India except for the wheels and axles. But, as the Honourable Member for Communications has stated, it is hoped that manufacture of steel for that purpose will start in the near future.

Reference was made to the statement in paragraph 86 on page 83 of the Railway Board's annual report for 1939-40 and while the Honourable Member did not perhaps fully appreciate the purpose of this statement, he seemed to derive from it the opinion that the results were very unsatisfactory. There is one point I should like to make first and that is in regard to the increase in the value of the stores imported direct by State-managed railways in 1939-40 over 1933-39. That was due to the war. State Railways were instructed to endeavour to increase their stocks of stores of essential items manufactured abroad up to a certain limit, and the increase in the figure from 10,000 to 1,88,000 would be due mainly to that. With regard to the Indian Stores Department which the Honourable Member seemed to have some doubts about, I should explain that it is a purchasing and inspecting organisation. It operates in India and to a lesser extent also in Great Britain. It is utilised, I believe, by all the Departments of the Central Government and also by certain Departments of some Provincial Governments. And the statement to which I have referred shows an appreciable increase both in the State-managed and Company-managed railways' purchases through that organisation. The State-managed railways' purchases went up from 40.11 per cent to 45 per cent and the Company-managed from 1.13 to 3.86 per cent. The actual percentage of increase may not seem to be very large but the amounts involved certainly are. And the more the railways purchase through the Indian Stores Department and, therefore, increase the total quantity of purchases through that organisation, the greater would be the ability of that organisation to encourage indigenous industries.

Pandit Lakshmi-Kanta Maitra: What percentage of increase is registered in the purchase of indigenous stores?

Mr. J. H. F. Raper: That percentage is not given.

Pandit Lakshmi Kanta Maitra: That is the most important thing.

Mr. J. H. F. Raper: The amount goes up from 10.28 crores to 11.24

(At this stage, Pandit Nilakantha Das entered the Chamber.)

Mr. Chairman (Mr M S Aney) Order, order. The Chair regrets it has to observe that the Honourable Member who has moved the cut was not in his seat when the Honourable Member rose to give his reply.

Mr. J. H. F. Raper: So from 10.28 to 11.24 the increase is in the neighbourhood of ten per cent. If the percentages in columns 7 and 9 are added, giving a total of 83.79 per cent, it will be appreciated that through the Indian Stores Department and the Railway Board the

majority of purchases are made. The Honourable the Mover asked what were the purchases made by the Railway Board. These are,—rails, fish-plates, cast-iron and wood sleepers, coal, coaching underframes and wagons of standard design, and the bulk of the money spent is on indigenous goods.

Pandit Nilakantha Das: What is the objection to their being purchased by the Stores Department?

Mr. J. H. F. Raper: I was coming to that. If the Honourable the Mover would refer to paragraph 87 of the Railway Board's annual report which deals particularly with the purchase of stores by railways through the Indian Stores Department, he will see that a number of items are added to the list of items the purchase of which it is incumbent upon the State Railways to obtain through the Indian Stores Department. This list is being added to year by year, and though I have not got previous volumes in front of me, I believe there is a similar list in every annual report. It is quite impossible, without careful thought and positive test, to change the source of supply of many of the items used by a railway. For example, oil. We are endeavouring at the present time to increase the use of indigenous oil and we hope we shall be able to secure the use of indigenous oil for the axles of carriage and wagon rolling stock and engines by most of the railways in India. But this is a matter of careful test. Once a railway has been accustomed to using a particular kind of oil, the staff are accustomed to it, they understand its vagaries, and there is natural objection to change until the railway concerned is quite satisfied that the change is not likely to result in deterioration in stock or in its usage.

The question was raised, why should not the Indian Stores Department purchase coal. The Railway Department has its own coal organisation, and, as the House will be aware, its own collieries. We have a Chief Mining Engineer, and his assistants, and he is an expert in all the various coals that are available in India, and it is but natural, and I suggest quite proper, that we should utilise his services for purchasing coal in preference to utilising the Indian Stores Department which is not equipped to the extent that we are in determining which is the best kind of coal for a particular service. Coal for railways is not merely coal, we have got various services—heavy gradients, shunting engines, goods trains, fast trains—and you must have the right type of coal for the right service.

I have endeavoured to explain what the position is and I should add that railways are pursuing a policy and have done so for some time, as much as they are able to assist indigenous industry.

Pandit Nilakantha Das: I want one elucidation—perhaps I could not follow the Honourable Member, if the Honourable Member has already said it. What is the inherent objection to centralising all purchases except coal, about which he explained in so much detail, and what is the necessity of extending items of purchase like these year after year instead of giving all other items to Stores Department, or to stop giving any item at all so that all purchases could be centralised in one place? This would be better arrangement. For, in that case all purchases may be viewed together in one place so that one may readily know whether indigenous

[Pandit Nilakantha Das]

industry is being encouraged Why this is not done is what I wanted to know

The Honourable Sir Andrew Clow: The point is that the Stores Department is not equipped for purchasing all these things. The Honourable Member has suggested that we might either keep it all in our own hands—in other words, keep all the purchases for railways in one hand—or we may transfer it all to the Indian Stores Department. Neither solution will be satisfactory. If we purchased things like uniforms or things of that kind—textiles—for ourselves and did not employ the agency of the Indian Stores Department, we should be losing an advantage which comes from the fact that the Stores Department is purchasing similar types of articles for a large number of other Departments and thereby secures the great advantage of expert and centralised purchase. On the other hand, as Mr Raper has explained in the case of coal, we have specialists in the work who are not merely confined to purchases but deal with other forms of activity relating to coal and are really experts. The same principle is followed in other Departments. The Labour Department purchase not through the Stores Department but through their own organisation articles of printing and stationery. What we have mainly in our own hands are articles of purchase in which we, so to speak, are specialists: there is nobody else in India who wants rails except our department and there will be no very obvious gain in putting an intermediary department in between us in purchasing rails from Tatas or any other organisation that may in future be able to make the supply.

Pandit Lakshmi Kanta Maitra: On a point of information is the list given here of the types of purchases by the railway, exhaustive or illustrative?

The Honourable Sir Andrew Clow: It is by no means exhaustive. It is merely the additions during the year. The Honourable Member will gather the extent of our purchases through the Stores Department from the table on the previous page.

Pandit Nilakantha Das: The additions are exhaustive?

The Honourable Sir Andrew Clow: I hope the list of additions is complete.

Mr. Chairman (Mr M S Aney) The question is

"That the demand under the head 'Railway Board' be reduced by Rs 100."

The motion was negatived.

Policy of Rates and Freights

Babu Baijnath Bajoria (Marwari Association, Indian Commerce) Sir, I want to move out No 6 in late list No 1. I move

"That the demand under the head 'Railway Board' be reduced by Rs 100."

This is a hardy annual and it is to be regretted that in spite of the annual hammering which the Railway Board receive, we have not been able to mould them in a better frame of mind than they were several years ago. Let me hope that I will be more successful this year.

The Honourable the Railway Member when presenting his Budget remarked that it is a remarkable balance sheet. No doubt it is remarkable as he has made an enormous profit the surplus during the current year is much more than in any previous year. He may congratulate himself on this, but we will congratulate him only if he will give us a portion of this surplus for the benefit of the community which has given him this surplus. When the railways run at a loss, then the Railway Member comes up and wants to increase the rates and freights because he says it is a commercial concern and he has to make both ends meet. But when there is such a remarkable surplus, we, the consumers, want that the Railway Board should be a little more generous by making appreciable reductions in rates and freights. The Honourable Member in charge very explicitly said in his Budget speech that most of the surplus has arisen out of the increased rates and fares which were levied last year. But what has he done? He has not proposed any reduction whatsoever in rates and fares. On the other hand, he has threatened us that if certain circumstances arise, he will take away the concessions which were given last year. I shall merely cite two paragraphs from his speech.

"We are examining the question of whether the rebates designed to encourage the export of coal and wheat are still justified, and the question of whether suburban season ticket fares last year are giving a fair return at their present levels. We are also considering whether the scale of fares for distances above 50 miles on the East Indian Railway should not be brought more into line with those on other State Railways."

This, Sir, is practically a threat that he will do away with the rebates which were given last year for the export of coal and wheat. Probably he will withdraw these rebates which were meant for the promotion of exports of coal and wheat. Secondly, it would appear that he has the intention of increasing the rates on suburban season fares. That will not be a very happy thing if he does it, because coming as I do from Calcutta I know that there are thousands of middle class people who live in suburban areas—10 to 20 miles away from Calcutta—and who are daily passengers. They are mostly clerks attending offices, and they will be very hard hit in these days if they have to pay more than what they are paying now.

Then, Sir, with regard to the question of export of coal and wheat, we want our exports in these two commodities to increase. If the rebates now granted are taken away, then the stimulus to exports will disappear. Therefore, Sir, I should like to have a clear assurance from the Honourable the Railway Member that he would not touch these rebates nor the suburban ticket fares during the current season.

Then, the next threat he has given us is this. This is what he says.

"We propose to continue the exemptions for food grains and fodder from the increased freight given last year, because so far as we can see, extra expenditure on staff will not be on a scale rendering it necessary to secure more revenue in that direction, but I would remind the House of the warning I gave last year that the maintenance of the exemption on food grains must depend on the demands made on us for the remuneration of our staff, and that the case for exemption of fodder is not so strong as it then was."

He has linked up this question of the exemption of surcharge on food grains with the dearness allowance claim by the railway staff which I understand will be the subject matter of another debate in this House. The prices of food grains are on a low level at present. There was a

[Babu Baijnath Bajoria]

temporary increase after the outbreak of the war, but the prices have all gone down tremendously. I can give figures if necessary, but I think I need not do so as they are well known to Members of this House, I would like to have an assurance that these rates also will not be increased nor would Government put any surcharge on food grains and fodder. Fodder is an article for the use of dumb animals, and so the price of fodder must be very cheap, otherwise it will not be possible to transport fodder from one place to another.

Then, Sir, there has been a serious curtailment of exports of primary raw products. I would refer only to a few of the articles which are of the utmost importance to this country. They are jute, cotton and linseed. The exports of these commodities have declined very considerably and their prices have also gone down tremendously. As regards jute, from the high levels to which it soared up—it soared up too high at one time,—it went up to over Rs 100 a bale,—it has now come down to Rs 34 or Rs 35 per bale. The same thing has also happened to cotton. The price of cotton went up to Rs 330 if I remember aright, and it has now come down to Rs 180 or so. The same is the case with regard to the price of linseed—it went up to Rs 10, and it has now come down to Rs 4-10-0 or Rs 4-12-0. I am giving merely approximate figures to show how tremendously the prices of all these articles have come down and we have lost the export markets on the continent and also in Japan. Now, the only hope is that we should try to circulate the trade in these three articles inside the country itself. So, Sir, it is extremely necessary that the Railways should help the trade to maintain the prices of these commodities. They can do this by doing away with the surcharge of two annas in the rupee which they levied last year. I understand that representations to this effect have also been made by several Chambers of Commerce, and I hope, Sir, the Government of India will give due attention to it.

Then, the Honourable Member in charge said that he intends to reduce the surcharge on coal by five per cent for months from April to October inclusive. But what was the rate last year from April to October? It was fifteen per cent surcharge, and I think he wants to retain that fifteen per cent for this period and have twenty per cent from 1st November to 31st March. If he calls it a reduction, then it is really no reduction at all. Last year the rate was 12½ per cent with a maximum of Re 1 per ton. He increased it to 15 per cent without any maximum limit. On long journeys from Bengal coal fields to the Punjab or Bombay, the maximum surcharge came to very near Rs 2, from Re 1 which was the maximum limit before. Over and above that, without consulting this House, without taking the views of responsible leaders of parties, the Railway Board increased the surcharge on coal from 1st November last to 20 per cent. And what they propose to do now is this,—they want to stick to the twenty per cent for the busy season, as they call it, from November to March, and for April to October they want to make what they call a concession. I think, Sir, the present condition of the coal industry is not such as to justify this heavy burden of surcharge on it. The price of coal has reached its rock bottom level. It is about, if I remember aright,—because I am not a coal merchant,—it is about Rs 2-12-0 or Rs. 3 per ton or perhaps lower than that. I am talking of second class coal. I am a small consumer of coal, and to that extent

I know the price. So, Sir, in my opinion, they ought to revert to the surcharge of 12½ per cent with a maximum of Re 1 which was prevailing last year. There is one point to which I would like to draw attention very emphatically for the sympathetic consideration of the Honourable the Railway Member. The Railway Member has said in his Budget speech

"It has also to be remembered that with railways under State control, the aim is not profits but service. Our rates, on which our income depends, are not fixed with a view to securing the maximum income."

I will give him one instance in which he can be of some service to
S P M. the economic condition of this country. It is about the reduction in the rate of freight for dry cattle from big cities to rural areas. This is a question which has been discussed in this House previously. I spoke on this subject also two years ago and I was very much pleased when Mr. Frank D'Souza replied. I shall not read the whole but only the last few lines of his speech. My suggestion at that time was that the dry cows should be taken back from the cities at the rate of two annas per mile irrespective of the distance over all the railways.

Mr. Chairman (Mr. M. S. Aney): The Honourable Member has one minute more.

Babu Baijnath Bajoria: May I have five minutes more, Sir?

A few Honourable Members: Yes.

Mr. Chairman (Mr. M. S. Aney): All right.

Babu Baijnath Bajoria: This is what Mr. Frank D'Souza said

"His suggestion was that dry cows should be carried back at a rate of two annas per mile. That is a suggestion which I do not think we should have very much difficulty in accepting, but it is one which, apart from my friend's optimism, it would be wrong for me to give an undertaking here and now. It is certainly one which we shall examine most sympathetically."

Unfortunately, as far as I know, nothing has been done in this respect. The result is that thousands of cattle, cows, buffaloes and calves, are being slaughtered in Calcutta and Bombay every year, because the full rate of four annas per mile is too prohibitive for the cattle owners to transport these dry cattle to the neighbouring rural areas. The result is that they have to sell these cows and buffaloes to the butchers to be slaughtered. On account of this drawback alone I understand that in the Bombay town about 25,000 cattle are being slaughtered annually, and the figure is certainly double for Calcutta. The same conditions also obtain, I understand, in Nagpur, Delhi, and other big cities. It is a thing in which the Government can help and do service if they are not out for 100 per cent profit, by reducing the rate of freight for dry cattle.

Another thing that I want is that there should be uniformity of rates for the same article over all the railways in India. Let me make myself clear. I do not want that there should be one rate for gold and the same rate for coal, but what I want is that the rate for the same commodity, say, wheat,—for instance, it should be the same on the East Indian Railway as it is on the North Western Railway. At the present time these rates vary considerably. The rate for the same commodity on the East Indian Railway is quite different from that on another railway. I do not see why there should be such a variation in rates for the same

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commodity over different railways when all the railways are owned by the Government of India and many of them are now controlled by them directly. Have I a few minutes more or shall I finish?

Mr. Chairman (Mr. M. S. Aney) One minute more

Babu Baijnath Bajoria: Lastly, the goods tariff book is so complicated that we do not know how to find out the rate for any particular thing. It is so complicated that even the station masters do not understand how to calculate the rates on consignments. There are so many classes of goods and the maximum and minimum rates differ so widely—the maximum is sometimes ten times as great as the minimum—that they can manipulate the rates in any way they like. Even an elephant can go through it.

Mr. Chairman (Mr. M. S. Aney) The Honourable Member's time is up

Babu Baijnath Bajoria: I would like that there should be fewer classifications and this tariff schedule should be made so simple that an ordinary layman or a business man may understand the goods tariff easily. With these few words I commend my motion to the House.

Mr. Chairman (Mr. M. S. Aney) Cut motion moved

'That the demand under the head 'Railway Board' be reduced by Rs 100''

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division Non-Muhammadan Rural) In the observations I made on the general discussion of the Railway Budget I said that there were various problems in connection with the railways. This problem of freights and rates is one of the foremost problems because it is directly connected with the public. This deserves very great attention at the hands of the Honourable Member for Railways because on it depends the commercial and industrial development of our country.

When the railway system was introduced into this country, it was mainly meant for administrative purposes, for transit of soldiers from place to place with the greatest speed. The second object was to carry the raw materials from the remotest corners of the country to the sea ports, and that was with a view to facilitate the import of foreign goods into this country and export of raw materials. The later development was connected with the transforming of the railway industry for commercial purposes. If the Government had ever any planned organisations in India with an eye to the benefit of Indians, then my belief is, that this railway system would have been a great factor in improving the economic condition of India. But such a planning has never been in the history of British Government in India. It is foreign to their nature. They have always preferred the interests of England to the interests of this country, and it was, therefore, high time that that mood and attitude was changed.

Sir, what benefit has accrued upto this time in the matter of Commerce and in Industry to India? If any benefit has accrued, it has accrued simply as a by-product. In 1887, for the first time the Government of India passed a Resolution regarding these rates and fares and there they thought

of fixing the maxima and the minima so that, by this system extreme exactions from the consignor and consignee might be avoided, also uneconomic competition between the different railways could be stopped. But, Sir, since that time between 1887 and 1910 no attempt has been made to improve matters with regard to the rates and fares and it is pretty long years. Then, after this long inactivity, the Railway Conference Association tried to enter into this question and they have been trying to improve matters but unfortunately our country has to suffer from the different wars waged in Europe. In the last Great War of 1914 surcharges were levied and again the same difficulty has arisen now. We have no help for it. We cannot decide nor we are privileged to decide what should be the freight and what should be the fare now. Under the circumstances the Government are bent upon having more money from the railways. Still, as regards a policy we can guide them as best as we can and say that there should be a fixed rate for all railways and that according to mileage. There should not be difference between different railways and different distances except on uniform mileage rates. There should be a fixed rate and on that the senders of the goods and also the passengers can very well find it possible for them to know what the freight is and what the fare is and without difficulty they can travel and send their goods. The greater the facility in transit, the more the chance of the development of commercial enterprises in this country. The inland trade of India requires greater nursing now than our foreign imports and exports. We want the railways to be guided with a view to ameliorate the condition of the internal trade and for that purpose the Government should try to make a comprehensive scientific plan for fixing these rates and freights and they should always have a vigilant eye on the interests of India first. The rates and freights should be so fixed that there should be no difficulty in transit (1) in reaching in time (2) and in reaching intact. The sender should be absolutely free from anxiety after delivering his goods to the railway for transit and the difference between the owner's risk and the railway's risk should not be kept on because that creates a good deal of difference. Why should there be any difference between the owner sending the goods at his own risk and the railway taking it at their risk. As soon as the goods are delivered to the railway, the railway is the trustee of the goods and there should be no difference in this matter. We understand that the Rates Advisory Committee has been appointed and they are going into this matter and also there is a proposal for a railway tribunal. I welcome these steps that are being taken but just at present we are feeling the pinch of these rates being increased on account of the war and we request the Honourable Member for Railways to give his attention to what my friend, Mr. Bajoria, has said about the present difficulties which commercial people are feeling. With these words I support the motion.

Pandit Lakshmi Kanta Maitra: Sir, I think I should put in a few words in connection with this motion. The Honourable the Communications Member observed in his Railway Budget speech that the prophecies of his critics, that the increase in rates and freights would react rather unfavourably on the railway finances, have proved false. To borrow the expression which was used by the late Finance Member of the Government of India, they were Cassandra like prophecies.

It is impossible from the bare fact of a surplus in Budget to come to the conclusion that there has been real economic prosperity in the country which is reflected in it. The Communications Member while having to deal

[Pandit Lakshmi Kanta Maitra]

with a huge surplus of 14½ crores of rupees made a contribution of nearly ten crores of rupees to the general revenues of the State. While it is not possible for him to forestall the General Budgetary position which will be placed before us this week end, we can anticipate what is in store for this country when Sir Andrew's close associate, Sir Jeremy Raisman raises his head in presenting the General Budget. Sir, I am one of those who do not believe that the surplus of 14½ crores really represents or reflects the prosperity of the people. It is now more or less agreed that this surplus is more in the nature of a windfall and that the adventitious circumstances of the war have a great deal to do with it. Be that as it may, one naturally expected that with a huge surplus like that, the Honourable the Communications Member would, at least in a modest measure, relieve the burden which he threw on the taxpayers of this country by the surcharge on rates and freights last year. This has not been done and it has caused profound disappointment to the people. The only justification is the war. Fortunately or unfortunately that will be a cover, I do not know for how long a period, for the many misdeeds of omission and commission on the part of the Government. While I do not agree that this surplus is an eloquent tribute to the efficiency of the administration of the railways, I do not at the same time hold that any deficit in railway earnings by itself argues lack of efficiency on the part of the Railway Administration. The position has to be investigated by experts. But, Sir, one thing is clear to all of us, that is, that the Railway Administration requires

Dr. P. N. Banerjee (Calcutta Suburbs Non-Muhammadan Urban) A complete overhauling

Pandit Lakshmi Kanta Maitra:

a good deal of reorganisation if not a complete overhauling. Sir, it is common criticism that there has been over-capitalization in the railway systems in India. It is impossible not to sympathise with that criticism. Certainly the capital expenditure had long reached the optimum. It is impossible for me, now to go into this question. Now, Sir, the fact that the Railway Board in India has evolved a highly complicated and, if I may say so, a grotesque scheme of rates and freights shows that either the men who handle this administration have no clear idea of the problems they have to deal with or they try to shirk those problems unable to find a solution for them. The Honourable the Member of this cut has given instances to show that for the identical commodity, the rates vary on different Railways. Leaving aside the question of freights on commodities, look at the question of fares. By now the Government of India own and control many a railway system. Is there any uniformity in freights in all these Railways? Is the fare over a thousand miles the same on the E. B. R., the E. I. R., the G. I. P. and the N. W. R.? No. There is absolutely no uniformity. Are the facilities in regard to concessions the same in all the Railways? No. Most of these Railways have not got any return ticket system. The E. B. R. and the E. I. R. have got a return ticket system. Certain Government Railways allow these concessionary facilities only to the upper class passengers, the N. W. R., for instance. Take for instance the B. B. and C. I. and the G. I. P. Railways. They have got none. Why can't you introduce some sort of uniformity in these matters? A traveller by Rail, from Delhi to Madras, knows what it means. There used to be no return tickets on these lines and it is only

recently and that, as a result of strenuous activity on the part of my friend, Sir F. E. Jams, that we have now got a more expeditious journey and a system of return tickets there, and if his Knighthood was earned, it was earned from the people's side though it came wrongly from the Government side.

Sir, it has been another common criticism with the Railway Administration that its scheme of freights is so designed as to facilitate the exports of raw materials and the imports of foreign goods and their circulation in the country. How far that criticism still holds the field requires a very close examination but we have not got any agency to go in for that kind of examination, but the very fact that on the different railway systems you have got different interpretations of the same rules regarding rates and freights is a proof that all is not well with the Railway Administration. Everybody would expect a sort of uniform procedure, a uniform interpretation of these rules by all the different systems of Railways. Take for instance the several risk note forms. I had some personal experience, I know that a particular risk note form in respect of a certain type of commodity in transit is interpreted by one administration in one sense and in an entirely different sense by another. These risk note forms are also changed from time to time. The people do not get any notice, and the *rationale* behind this change cannot be understood by ordinary mortals like us with limited intelligence. My friend Sir Andrew Clow, might smile but I remember what a lot of trouble I was put to in sending a Motor Car by Rail.

Dr. P. N. Banerjee: Do you mean to say that the intelligence of the Government Members is very great?

Pandit Lakshmi Kanta Maitra: Well, one may presume that, and though there is no legal presumption about it there is perhaps a presumption of probability. Sir, if we want to raise this question of rates and freights today it is only to draw the attention of Government once again to this vital necessity of clarification of their own views and to the needs and requirements of our people.

Mr. Chairman (Mr M. S. Aney) The Honourable Member has got only two minutes more.

Pandit Lakshmi Kanta Maitra: Sir, it is one thing to make a request for a concession and it is another thing to demand justice. I do not think that if on behalf of the people, of the taxpayers, we make a demand for the removal of the surcharges imposed last year or for the removal of the surcharge on coal which is one of the key industries in this country, we are making a wholly unreasonable demand. If it were a deficit Budget, the question would have been entirely different. The position now is that whether it is a surplus Budget or a deficit Budget, there is some form of excuse one way or the other, for withholding what we consider to be the legitimate dues of the taxpayer. Sir, the Honourable the Mover of the cut has drawn the attention of the House to a fact which is of vital importance to the trade and industries of the country. Owing to the abnormal international situation, India has practically lost her foreign markets and there has been a considerable shrinkage of her exports. Now is really the time for the Railway Administration to consider what facilities they can offer to the commercial community for the easy and smooth movement of trade within the four walls of India at least. To that smooth flow of

[Pandit Lakshmi Kanta Maitra]

trade some thought, some sympathetic consideration ought to be paid. That will go some way towards compensating the tremendous loss the Indian continent has sustained as a result of this war. Sir, we do not want to censure the Government by this act, even if we intended that, we could not do it today. We want, however, to make clear the position of us that is, the only elected element in this House.

Voices from the European Benches: No, no

Pandit Lakshmi Kanta Maitra: I am sorry I forgot that my friends to the left do also claim themselves as elected as we Indian Members do. They will have to claim to be elected by us some day. Sir, the little section, I mean, the little Group in this House, places the viewpoint of the public in this respect and I hope that it will be taken for all it is worth. Sir, I support this motion.

Sir F. E. James (Madras European): Mr Chairman, I feel that you must find yourself in a very embarrassing position, being in the Chair at the moment when my Honourable friend, Pandit Lakshmi Kanta Maitra is quite unconsciously misrepresenting the representative character of your Party. (Interruptions) My friends will understand that I am trying to give a little touch of humour to my remarks and I am sure they will appreciate them when they see the point. Now, I have only one point to make and I am emboldened to make it by the presence on the Treasury Benches of the Honourable the Finance Member. I have read Sir Andrew Clow's railway budget speech more than once. His speeches, if I may say so, always well re-pay a second reading. They are like the Scotch sermon which has to be read after you get home in order to be appreciated fully. I was touched by one or two remarks made in his speech. He said that "our rates on which our income depends are not fixed with a view to securing the maximum income." That is not very much consolation at the moment. But he also said that it has to be remembered that with railways under State control as opposed to railways under Company-management, the aim is not profit but service, so that we must look upon the railways as a kind of State-controlled Super-Rotary Club! No doubt, my Honourable friend will remember the other motto, which is particularly used in business circles in the United States of America, namely, "he profits most who serves best." And when we come to the end of his speech we have the exhortation which is inseparable from the speech of one with such ecclesiastical traditions as my Honourable friend. He says:

"I hope in the future this House or its successors will not forget the service which the railways have been able to render at this juncture and will be ready, when peace is restored, to give the railways generous treatment."

He goes on to say

"Generosity by the community here is generosity to themselves and a liberal policy towards the railways will not fail of its rewards."

I think there has been a printer's error here. What the Honourable Member, I think, really meant to say was that he hopes that he and his successors will not forget the service which the public has been able to render at this juncture and will be ready, when peace is restored, to give it generous treatment. Generosity to the public is generosity to themselves and I would ask my Honourable friend to remember that a liberal policy on his part towards the public will not fail of its reward.

Now, all that is linked to the one point I wish to make. These fares and freights were raised last year and I take it that they are in the nature of a surcharge. It is not an ordinary rise in the freight or fare structure because it bears no relationship to the other variations in freights and fares. Two annas in the rupee, one anna in the rupee with, of course, an exception for minimum travel. Now, the point of the Honourable the Finance Member's presence this afternoon in connection with this matter is that there has been a rather murky history behind this matter of surcharge. He will, no doubt, recollect that in 1931 certain surcharges were placed upon income tax and super-tax. Surcharges, we were told in those days, were of an emergency character to be removed the moment the emergency passed. Well, several emergencies passed but the surcharges remained. When we went to Finance Members, one after the other, we were told that it was quite impossible for any Government to say that a particular surcharge, which was placed on the ordinary rate of income-tax and super-tax, should, at any particular date, be removed. Well, we know to our cost that, of course, a surcharge ceases to be a surcharge when it gets absorbed in the ordinary rates of income-tax and super-tax, and I am a little afraid of something in the nature of a change from the step to the slab system taking place in this matter of railway rates and freights. I wonder, therefore, whether the Honourable Member would, in the spirit of his high exhortation, give an assurance to this House, which has so far willingly given him the additional money that he wants and which, I believe, would be willing to vote with alacrity this additional taxation, if they knew that it was going to be an emergency form of taxation. I wonder if my Honourable friend would give us some measure of hope that when this emergency has passed, then these surcharges will be removed. Of course, I know, he will find that more difficult to give in the presence of the Finance Member, who, in these matters, is credited, and I believe rightly credited, with an extremely stony heart. At the same time, I think it would be only fair for him to let us know whether he does consider that these are, in fact, emergency surcharges. If they are, then we look forward to the emergency passing and the surcharge with it. Can we? Is he prepared now to let us know that as soon as the emergency passes, that is, the financial emergency arising out of external events over which we have no control, these surcharges will disappear?

There is only one other point that I should like to make. I am not sure that it is strictly relevant here but I hope the Chairman will for the moment not listen to me. In a sense, it arises out of the additional revenue which my Honourable friend is getting out of this increase in rates and fares. I should like to know whether he and those who advise him are satisfied that the railways in this country are equal to any emergency which might come. I am not talking about the so-called strategic lines. Any line might become a desperately important strategic line. Is he satisfied that the railways are so equipped, particularly, in the great industrial areas of this country as to be able to meet any sudden emergency which they might be called upon without much warning to meet in connection with the carriage of essential war supplies?

Now, Sir, my only other word is to say that as far as my own constituents are concerned—and I represent an elected constituency like my Honourable colleagues on this side of the House—they are fully willing to bear these burdens, but they do want a little bit of a silver lining to

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the present clouds relating to the future, which will enable them to bear those burdens more cheerfully and hopefully

The Honourable Sir Andrew Clow: Sir, we began this debate with a speech from my Honourable friend, Babu Baijnath Bajoria, which, if I can summarize in one sentence, was "give me assurance that you were telling fibs when you said you were considering the possibility of an increase in certain directions." I am afraid, in spite of his eloquent appeal, I may hardly do that. But of course when I mentioned the things that we were examining, I did not necessarily mean that the examination would involve any increase in rates. It might lead us to the conclusion that we should not make an increase. He referred to the coal and the wheat export rebates. I think he will see that there is obviously a case for examination here. These were put on in circumstances differing from those confronting us today with the object of encouraging exports and of enabling Indian sellers to secure foreign markets which might otherwise be closed to them. I doubt if at this present moment they exercise any appreciable effect in that direction and the main question obviously must be whether, if we were to remove them we might be injuring industries not at the moment, but might at some future date be jeopardising their chance of retaining the markets which they have already secured.

Then, he referred to food grains and I gathered he had some objection to my repeating not a threat but a warning which I gave in the preceding year, partly because that was in some way linked with the demands that might be made on us by our staff, and he indicated emphatically his opinion that this was certainly not the time for an increase of rate on food grains. We are not contemplating any increase at the moment. If he reads my speech again, he will see that food grains and fodder, are put in rather a different category from the possible increases I mentioned first. But I think he will recognise that the prices of food grains have risen—that is indeed one of the arguments that is being used why we should give certain allowances to our men,—and that it is not unreasonable that if any heavy demands were made on us in that direction, we should recognise that the agriculturist is getting a higher price than he was at the beginning of the war and that therefore we should seek to get a little of the increase ourselves in order to recoup us for the extra charges.

Then, he referred to the question of fodder and appealed to me not to put anything on fodder, I gather because the animals were dumb. Well, they are dumb, but those who own them are not, and Babu Baijnath Bajoria is not. But we are not at the moment contemplating an increase in fodder. Before I leave the question of the dumb animals, I might perhaps deal with what he said about dry cows. I have been informed that the suggestion made a number of years ago was adopted and that the East Indian Railway now allows a uniform rate of two annas a mile from Calcutta to any station in the North West.

Babu Baijnath Bajoria: What about other railways?

The Honourable Sir Andrew Clow: Both he and Pandit Lakshmi Kanta Maitra pleaded for uniformity of rates. Pandit Lakshmi Kanta Maitra, although I do not suppose he realised the fact, was doing his best to furnish me with an argument for putting up the fares on the

East Indian railway because as I indicated in my Budget speech, the rates of passenger fares there for longer distances are lower than elsewhere

Pandit Lakshmi Kanta Maitra: You are going to do that benefit for us

The Honourable Sir Andrew Clow: I am not at all a believer in any strict uniformity. There are constant appeals in this House to adopt on one railway exactly what we do in another. There are two reasons against that. In the first place you are dealing with a Continent here where conditions differ radically from place to place. Your freight structure is, I admit, a complicated one. I will agree that it is too complicated, but it does represent and embody various adjustments to local conditions, attempts to get traffic to move more freely and attempts to meet local conditions.

[At this stage, Mr. President (The Honourable Su. Abdur Rahim) resumed the Chair.]

There is a second argument, not so fundamental, against uniformity and that is this that I find that on uniformity we nearly always lose. For example, the pay of a certain grade of employee on this railway and that differs. Why not have a uniform rate? It is always the top rate that I am asked to make uniform. In contradiction of the well-known motto of the Finance Department, 'whichever is lower', we are always told 'whichever is higher', so that I do not get any reduction because I am always being pressed to give increases. We however, do recognise that our rate structure is unduly complicated and work is at present being done on its simplification and the preparation of a rates register which will make the position clearer than it is today.

Then, of course, my Honourable friend Babu Bajrath Bajoria, referred to coal. When he mentioned that the price of coal was Rs. 2-12-0 I began to feel that we had been badly let down because we are binging on coal this year on an average at about a rupee more. Then I found he was referring to second class coal. I remember the days, not so long ago, when first class coal was selling at the price he mentioned so that in view of the rise which has taken place since, and I think the almost unprecedented exports the coal industry has had in the last year, I find it a little difficult to believe that it is in such dire straits as my Honourable friend suggested.

Then, Mr. Chattopadhyaya took us into a much bigger field when he referred to the planning of railways. He complained that railways had been planned with a view to export and import trade rather than with a view to the development of the industries of the country, and I think he suggested that there was some sinister motive behind that. It is very difficult for me to explore the minds of those great pioneers who 80 or 90 years ago started planning our big lines. I feel fairly confident that living as they did in a time long before there was any thought of the State's present interest in economic development, they were putting down their railways where they thought they could get the money. They were putting down their railways to meet economic conditions as they saw them then and as far as they could foresee. I doubt if anybody in those days, Indian or European, foresaw the immense industrial development that has taken place since. I recognise that the diversion which has taken place in the last few years from export and import trade to manufacture

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has created a problem for the railways because it has undoubtedly deprived them of what on the whole would provide longer leads and has thus curtailed to some extent their earnings. But I do not think, regarding the country as a whole, that our railways are badly planned with a view to our industries. I think they serve the industries of the country well, which is not unnatural because of course they have guided to some extent the location of those industries themselves. I am afraid that if the Honourable Member wants to ask me to re-plan the railway system I should have to decline the task. He referred also to the big divergences between owners of risk rates and railway risk rates. These are only in respect of some classes of goods. I think I am correct in saying that in others the difference has been abolished and in some it is small.

Then my Honourable friend, Pandit Maitra, took us into the realm of the general principles of raising freights and fares, and that was also the theme of, perhaps I should not call it a sermon, but the Y M C A talk of my Honourable friend, Sir Frederick James. He turned with his usual deft touch my peroration into one of his own and asked for an assurance that the surcharges would be removed after the war. I am afraid he will regard it as a sinister fact, but if he looks up my speech of last year he will find that except in respect of coal where the word was already there I refrained from using the word "surcharge" at all. The fact is that any Railway Member who gave a promise as to what he or his successor would do two or three years hence and after an immense war has been fought to a conclusion would be extremely rash and might be in danger of giving pledges that could not possibly be fulfilled, and I am sure Sir Frederick James himself realises that. All I can say is this, that the growth of the railway reserve at present standing at an extremely low figure is both a protection against further enhancement and offers a certain prospect of reductions when conditions improve. We have followed, but only to a small extent, the principle of charging when we believe the traffic can bear it. We are not taking by any means all the advantage that a commercial firm could take of the position in which we find ourselves. But it is surely sound policy to keep your rates up at a fairly high level when traffic is good, knowing that you are bound to meet worse times when your alternatives will be either to enhance the rates and thus add tremendously to the difficulties which industrialists are already facing, or to cut down your pay or to adopt economies that are not in the interest of the country. We are trying to put the railways in a stronger position, a little stronger position, knowing that we cannot expect a continuance of the present conditions and that a time will almost certainly come when we shall have to face diminished traffic. The extent to which any one standing in my place will be able then to give reductions or even to avoid increases will obviously depend on what we do in these years when wholly exceptional circumstances enable us to earn a high income.

Mr. President (The Honourable Sir Abdur Rahim) The question is "That the demand under the head 'Railway Board' be reduced by Rs 100." The motion was negatived.

Communalism in Railway Services

Mr. Govind V. Deshmukh (Nagpur Division Non-Muhammadan) Sir, I move

"That the demand under the head 'Railway Board' be reduced by Rs 100."

On this motion I desire to discuss the policy of communalism in services in the railway administration

The Honourable Sir Andrew Clow: Sir, before my Honourable friend enters on his speech, I want to suggest that this is not a very suitable time in which to discuss this question. An important Party which is very keenly interested in it is absent,—not, I admit, in my view for very sound reasons,—but it is absent from the House and it will put me in a difficult position if I had to enter on a discussion of this subject after only one side of the case had been presented. And I would ask him for the sake of communal harmony and other reasons to give this reconsideration and not to press this motion today.

Mr. M. S. Aney (Berar Non-Muhammadian) Sir, may I ask whether the Honourable Member will be prepared to give us some opportunity to discuss the D'Souza report in this Session?

The Honourable Sir Andrew Clow: Sir, I recognise that the D'Souza report is a matter of interest. I have been asked by the Party which is absent and I was asked in the last Session also to allot time for it. And if it is the general desire of the House that there should be official time allotted to this subject I shall recommend that to the Leader of the House who, I have no doubt, will consider it.

Mr. Govind V. Deshmukh: Sir, in view of the statement made, I do not wish to move this cut motion.

Grievances of the North Western Railway Employees

Mr. Lalchand Navalrai: Sir, I move

'That the demand under the head Railway Board be reduced by Rs 101''

On this motion I wish to discuss the grievances of the North Western Railway employees. Up to now, the motions that we have moved have been with regard to policy. This is a motion with regard to persons who will work out the policy. Without their contentment, the policies cannot be carried out, and it is the paramount duty of the State and the railways to keep these employees contented. My motion is not intended at all as a censure motion against the Government. On the contrary, it is to persuade the Honourable the Railway Member to come to the help of these low-paid employees who do all the work at the railway stations as well as in the offices. I shall, first of all, refer to the grievances of the grade I clerks. The Honourable the Railway Member is aware that I drew his attention, during the budget discussion, to the pitiable plight of these employees in the stations and in the divisional offices. These are the persons who work as sales agents on the North Western Railway and whose conditions I have been discussing. I was informed at that time that the matter was under consideration, and that some relief was proposed. It cannot be denied by any one that this question of relief to these low paid persons has been hanging fire for a very long time. Whenever it was raised, the same stereotyped reply was given, that the matter was under consideration. This has gone on for years, and these people are now so discontented that we have been receiving every day telegrams from them that they are not being given any relief, and

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that they are very much concerned over it. I do not know exactly the nature of the relief that the Honourable the Railway Member proposes to give them. But it seems it consists in increasing the sanction of the grade II posts, so as to give some immediate relief to the persons who have been now on the top of grade I, that is, on Rs 60 for a number of years. It is proposed, I think, that this relief is going to be given for a number of years. It would, therefore, be only a temporary relief. It will not remove the trouble at all, for those following them will again be blocked on Rs 60. Therefore, the relief should be in the form, either of amalgamation of grades 1 and 2, or an employee should automatically rise to grade 2 on completion of 10 or 12 years service. Regarding amalgamation, I would like to know rather fully why it is that he has been against amalgamation of grades 1 and 2. We have always heard from him that he does not consider amalgamation to be a relief. But I think that is the best relief, and it should be considered and reconsidered by the Honourable Member. At one time the number of grade 2 posts in the clerical line such as goods clerks, booking clerks, parcel clerks, train clerks and other clerks was more than it is today. But there have been many retrenchments, not as part of the general economy campaign of 1931, but most of the officers, when a grade 2 post fell vacant, try to abolish it. That is the difficulty. If, in a higher grade, appointments fall vacant, and if those appointments are abolished, then there will be no flow up at all from grade 1, and this policy of abolishing appointments in the higher grade is most detrimental to those who are in the lower posts. We do not know, but it may be that in the scheme of the relief proposed the same principle of abolition of higher grade appointments may occur and I would like that that should be removed and orders should be given that no abolition in the higher grade, should be made.

The Honourable Sir Andrew Clow: Which abolition is my Honourable friend alluding to?

Mr. Lalchand Navalrai: I am talking of grade 2 and grade 1 whenever appointments arise by vacancies in grade 2, some of them are abolished, and their number is decreased.

The Honourable Sir Andrew Clow: Of clerks?

Mr. Lalchand Navalrai: Yes, and it is the same in the case of guards to whom I shall come presently. In case a system of automatic promotion is introduced, there will be no question of abolition of grade 2 appointments by officers who may have a fancy for doing so. This abolition of posts is a source of great hardship on the employees. If figures of the sanctioned strength of 1930 and of 1941 are examined, it will appear that a large number of grade 2 posts have been abolished. The consequence is that the grade 1 clerks have drifted to such pitiable straits that the Honourable Member is moved to give them some relief. It is, therefore, strongly urged that a system of automatic promotion to grade 2, after at least 12 years' service in the lower grade, should be introduced to close this vexed question once for all.

Now, with regard to divisional office clerks, the Honourable Member in his reply said that their duties were not like the accounts office clerks. Their duties may not be the same, but it cannot be said that these people

are not doing such work that some relief should not be given to them. It has been admitted more or less that the Honourable Member has been moved to give them some relief. That clearly shows that their work is such that it requires some relief to be given to them. Even if the work is not exactly the same, the work done by the grade 1 and grade 2 clerks is similar. Originally it was only intended that these grade 1 people should do routine work, but in subsequent years it has come about that they are doing the same kind of work as the grade 2 clerks. During the general discussion on the railway budget I read out extracts from the *communiqué* of the General Manager of the N W Railway

Lieut.-Colonel Sir Henry Gidney: I rise to a point of order—I do not know whether there is a quorum here

(At this stage the bell was rung and the necessary quorum was present)

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member can now go on

Mr. Lalchand Navalrai. As I was submitting, Sir, the duties of grade I and grade II clerks are more or less similar, and, therefore, there should be no difference between them, and that is the real reason why these two grades should be amalgamated

Then, Sir, in reply to my unstarred question No. 48 which I asked on the 25th instant, the Honourable Member was unable to furnish me with a duty list, because we wanted to know whether the clerks who are in these two grades are doing the same kind of work or not. The Honourable Member said in his reply that their duties were not specifically demarcated, but the comparative strengths of the two grades are regulated by the nature of the work done. It is true that in the beginning their work was demarcated, they had only to attend to inward and outward registers or do some such light work, but now these clerks are doing disposal work. Therefore, why should not the people who are in these two grades be amalgamated so that they may have an opportunity to rise?

Sir, the Honourable Member is not treating the case of Divisional office clerks like the accounts office clerks. There is the nearer analogy of clerks on the G I P Railway, which is also a State-managed Railway. On this Railway it has been considered that relief is necessary. So why should not the N W R follow suit in this matter? On the G I P Railway, grade I clerks completing 10 years' service automatically step into the scale which will take them straight to Rs. 80, and there relief has been granted, while similar relief has been delayed on the N W Railway. I cannot understand why there should be so much delay. The Honourable Member said that the matter is being considered by the General Manager and the Railway Board, but the matter is such that it cannot brook any further delay.

There are reasons urged for giving differential treatment to office clerks on the N W Railway, but there should be some explanation for it. The present strength of Grade 2, which is nearly cent per cent of grade I posts, has not given any relief, and therefore it is desirable that some other method of relief should be thought of. If the Honourable Member has to go by analogies, then there is the instance of the G I P Railway, which is a State-managed Railway, and there even employees in the revised

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scales of pay recruited after the 15th July 1931, can now rise up to Rs 80. My humble submission is that the case of men on the N W Railway should also be viewed in the same light so as to remove the discontent that exist among them.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

Mr. Lalchand Navalrai: Is it so? I was going to deal with the question of guards now. Is the time all over? Can't I get one or two minutes more?

Mr. President (The Honourable Sir Abdur Rahim) No, there is no time now. Somebody else can take it up.

Mr. President (The Honourable Sir Abdur Rahim) Cut motion moved
"That the demand under the head 'Railway Board' be reduced by Rs 101."

Sardar Sant Singh: Sir, I shall take up that portion of the subject which my friend, Mr Lalchand Navalrai, could not deal with for want of time, because I also have given notice of a cut motion on the question of promotion of guards on the N W Railway. Sir, the grievances of guards on the N W Railway have been the subject of questions both from me and from my friend, Mr Lalchand Navalrai, during the past year or two. I said in my speech on the general discussion that the Honourable the Communications Member was pleased to give us an assurance that he would look into this question, as a matter of fact, he did examine the question and drew the attention of the N W Railway Administration to the grievances of these guards, but unfortunately where the rule is followed in the letter of the law, it is broken in its spirit. Though the grades of the guards were automatic in the first instance, these grades have now been converted to selection grades since a year or two, with the result that seniority does not count at all. In the recent selection that has taken place in this cadre, probably due to the initiative taken by the Honourable Member in charge, no understandable practice has been followed in making the selections. Divisional offices sent up a list of persons, and when they were asked on what principles the selections were made in the divisions, they could not point out any sound reasoning for making the selections. It would appear that the Divisional Superintendents have used their discretion in sending up the names of people whom they wished to select to appear before the Selection Board. When these people went for the interview before the Selection Board, seniority was at a discount. Previous antecedents about service, and remarks about the performance of their duties by their superior officers were entirely ignored. There is one instance, in particular, in which a guard was selected for a higher grade, although he did not believe that he would be selected, because there were 12 bad remarks in his service. Yet he was selected, while others with satisfactory service for the last 10 or 12 years, who have been officiating in the higher grade, have been ignored entirely, and we really fail to understand what principles were followed by the Selection Board in making the final selections.

In one of the cuts of which I have given notice I have complained about the open charge of lack of honesty even amounting to corruption against the members of the Selection Boards on the N W Railway.

That is such an open scandal that if you talk with a newly recruited man, he will tell you that he procured the recruitment irrespective of communal considerations. I am not referring to communal considerations at all. They actually procure the appointment by paying one or two months' salary in advance to the Selection Board. I have brought this to the notice of the Railway Board, so that the Railway Board may be in a position to make an enquiry into this question, not for the purpose of satisfying the public alone, but for the purpose of clearing their own officers if this scandal is based on wrong facts. My second object is to secure the purity of the service. I know that in a big organisation employing about 700,000 persons, there are bound to be lapses here and there. I can also appreciate that human agency, however, perfect it may try to become, still lacks that perfection which is the ideal for a good organisation. Still, after taking all these things into consideration, if an evil assumes the proportions of a scandal, I think it is the duty of all of us to bring to the notice of those who are in power, who are in a position to do something in the matter and to stop this scandal.

The next point which I want to make in connection with guards is the question of their promotion. I think I am not doing any injustice to the Honourable the Communications Member if I just try to place what I understood him to say in reply to the general debate—that earlier these grades were constituted on racial considerations. I think that is what I understood him to say. I am speaking from memory.

An Honourable Member: Grades III and IV

Sardar Sant Singh: That grades III and IV have been opened to all classes of Indians and it is not necessary to fill up all those vacancies that have occurred in the upper grades. But I just want to bring to his notice this letter of the General Manager, No 757, E I 4, dated 8th November, 1935. In this letter the lower grade guards were given to understand that they would be promoted to the III and IV grades as vacancies occurred. I will read only a portion from that letter:

"It has never been the policy to keep vacant posts of grade III and IV guards as alleged by memorialists. It has however, been decided to abolish the posts of grade IV with a corresponding increase in the number of grade III posts and this does not affect the promotion of grade II guards."

I think the language is very clear and very explicit. Now, to take shelter behind the plea that grades III and IV were only open to Europeans or Anglo-Indians and now that those posts have not been filled up on account of racial considerations therefore they cannot accept that these grades should be open to the lower grade that is, grade II guards. The promise is given in this letter that grade IV is abolished. The number of posts which were in grade IV would be brought down in grade III, and grade III would correspondingly be increased and promotion of grade II would automatically take place in those vacancies. The figures are with the Honourable the Communications Member. The combined strength of grades III and IV in 1935 was about 600, and now that strength is somewhere near about 200. The first complaint is, why has this strength been reduced? Already a promise was given in 1935 that the strength would be maintained. The next point is about direct recruitment. Direct recruitment has been adopted for grade III. It may be the policy, it looks to be the policy of the railway administration that men

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with better education and higher responsibility should be taken directly in grade III. I have no quarrel over that policy if that is the policy. But what I quarrel about is this. Supposing graduates are to be taken, as they are actually taken in grade III, why should a graduate in grade II not be promoted to grade III, and why should, having joined in grade II, his degree be a disqualification for him when the competition is between him and a new graduate?

An Honourable Member: Why do you want a graduate?

Sardar Sant Singh: They have recruited graduates in grade III, but what I cannot understand is, when a graduate has enlisted himself in grade II, why should he not be given preference to the new man who is taken in grade III directly? Again, according to the orders 20 per cent. are to be recruited directly, but the N W Railway has exceeded this limit of 20 per cent in taking direct recruits. Naturally the more recruits are taken in grade III directly, the promotion of grade II is barred and I would like the Honourable Member to look into this question from this point of view. Taking into consideration the method of selection to grade III, may I not appeal to him to approach the question from a different point of view? There is no doubt that fitness, seniority and other factors are a necessary element to be taken into consideration, but when we find that seniority is being ignored altogether, satisfactory service is being ignored altogether, and other considerations are being brought for promotion, is it not necessary that the Honourable Member should devise some means or issue instructions that the selection boards should record their reasons for giving preference to a junior man over a senior man, and it should be open to the man who is not selected, to appeal against the decision of the selection board if and when he is dissatisfied with their decision? Some sort of appeal should be allowed and in order to cure this evil it will be necessary that some sort of check to the vagaries of the Selection Board should be placed so that the employees may have confidence that their rights, when they come before the Selection Board, will not be so contemptuously treated as they are treated today.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

Sardar Sant Singh: With these remarks, I will request the Communications Member to look into the matter once more and examine the record of the selections that have taken place during the last year and satisfy himself that they have done it in the right manner

The Honourable Sir Andrew Clow: Sir, we have had two eloquent appeals on behalf of two different classes of men. I think both of them were raised in the Railway Budget of last year and at that time I confess I was inclined to the view that there was more to be said for Sardar Sant Singh's proteges than there was for Mr Lalchand Navalrais

Mr. M. S. Aney: The situation is now reversed

The Honourable Sir Andrew Clow: The situation is now reversed. Further investigation convinced me that both Sardar Sant Singh and I

had been under a misapprehension as to the position I had looked, with the assistance of the Railway Board, at figures of men ranged in various grades. I had found that a whole grade has been abolished of guards and that in the grade below the number of posts have been greatly reduced. I jumped or came to the conclusion, which I think Sardar Sant Singh also came to, that these men must have been deprived, very seriously, of their prospects of promotion and I discussed this matter with Mr. Griffin who was afterwards appointed as General Manager of the Railway and who, on arriving there, investigated the matter himself. This led to the discovery which was entirely new to me, that these grades represented the old and bad principle of racial discrimination. There was a grade intended for Europeans, the next grade was intended for Anglo-Indians and Parsis and the next grade for Indians. They dated from the days when the Indians offering themselves for this kind of work were not men of education, who could be expected to fill the higher posts and when we had to depend on Europeans, Anglo-Indians and Parsis.

Mr. M. S. Aney: Uneducated?

The Honourable Sir Andrew Clow: Who were better educated (Interruptions) I think I am stating what Sir Henry Gidney, who has much longer experience of Railways than I have will remember is a fact.

Lieut.-Colonel Sir Henry Gidney: Absolutely.

The Honourable Sir Andrew Clow: The result was that taking a general view of the matter, the changes which had been introduced by the North Western Railway had not really diminished the legitimate prospects which these men had when they entered the service. They had of course diminished what they may have got if we had thrown the whole grades open as a channel of promotion but I would remind the House that in those years it was pressing the Railway Administration every year for economies in every legitimate direction and I think the General Manager of the North Western Railway felt, and felt rightly, that having regard to the prospects of guards higher up and having regard to the fact that the higher grade had been based on a racial distinction he was well justified in effecting the economies he did. Moreover, as I have suggested, guards have considerable prospects of rising out of the grades of guards altogether and thus they are in rather a different position from clerks for whom the number of Superintendentships and higher posts is strictly limited.

Mr. Lalchand Navalrai: Which are the other avenues for them to rise to?

The Honourable Sir Andrew Clow: Controllers, Assistant Station Masters, foremen and various posts of that kind.

Sardar Sant Singh: What I have not understood in the letter of 1985 is this. In response to the memorial submitted, it was clearly stated that grade III will be open and grade II Guards will go up into Grade III automatically. It was not that only No. IV was abolished on account of racial discrimination.

The Honourable Sir Andrew Clow: We have undoubtedly altered our position. We agreed a short time ago that direct appointment to intermediate grades should be to a certain extent within the discretion of the General Manager. I admit that and that reminds me of another point. Sardar Sant Singh said that if you make direct appointments of graduates why should not graduates lower down be equally considered for that promotion. Well, the objects of direct appointment are various but one of them is to secure men at a young enough age to ensure that they will reach higher posts when they are not too old. It is one of the defects in some of our services, where promotion has tended to be from very low grades up a considerable distance, that men come to the more difficult and more responsible posts when they are near retirement and cannot give the same service which they otherwise would. One of the advantages of recruitment at intermediate stages is that it gives a chance to secure men who will rise higher without giving so much need for that selection which always raises heartburnings. My Honourable friend referred to an alleged scandal in respect of the selection of certain guards. I was glad to hear him say that this information might be based on wrong facts because I find it very difficult to believe that anything of the kind has occurred but I can give this assurance, that if there are facts and if you provide those facts, I feel certain that the General Manager will make an investigation into the matter. But we cannot obviously act on allegations, there must be evidence on which to justify an investigation at all.

Now, I shall turn to the clerks. This is a much more complicated and much more difficult case and here I must take the House a little back into what I would call the causes for the agitation rather than the reasons for yielding to them, because there is a big distinction between the two. I believe that this demand for amalgamation of grades can be traced to more than one cause. The principal cause was this. In another Department, Accounts, two grades were amalgamated. Now, let me give the pay of those grades. The two amalgamated grades are as follows: One started on Rs 40 and rose by Rs 4 to Rs 80. The other began also on Rs 40 rose in exactly the same way by Rs 4 to Rs 80 but it had two further steps of Rs 5 so that it rose to Rs 90. The duties could not be clearly demarcated and there was obviously no real reason for keeping two grades like that which overlapped over practically the whole of the range. The only effect of amalgamation, so far as I can see was to add to everybody those two final steps which, prior to amalgamation, was enjoyed only by those who happened to be in one of the grades, and not by those who were in the other. Now, the present case is entirely different. Here we have two grades. It is a little complicated by the fact that I have got both the old and new scales in front of me but in both the two grades overlap at no period, no point whatever. A man in grade would start on the old scale—my friend Mr Lalchand Navalrai, will correct me if I am wrong—at Rs 39 and rise in his eighth year to the top to Rs 60, and under the new scale he would start at Rs 20 and in the ninth year would find himself at the top at Rs 60.

Mr. Lalchand Navalrai:

and then stagnate

The Honourable Sir Andrew Clow: The upper grades began, in the old scale, at Rs 68, that is, Rs 8 above the top of the lower grade, and

rose, in seven years, to the top at Rs 95. On the new scale they start at Rs 65 and rise, in nine years, to Rs 85. So that the demand for amalgamation really means a demand that, after completing eight years' service on the old scale and nine for a man on the new scale, everybody should be in the upper grade, in other words, if we take an average service of thirty years, it means that, for well over two-thirds of his service, he is going to be in the upper grade. Perhaps seventy per cent of the posts, viewing it from the side of the expenditure, are going to be upper grade posts, so that the expenditure on that is enormous, and there is no justification for it in the degree of work to be done.

Mr. Lalchand Navarai: You are taking the same work from him.

The Honourable Sir Andrew Clow: There may be no very clear demarcation but that argument could apply either way, it might apply equally well to abolishing the upper grade as to rendering the lower grade a mere step which a man occupies for a few years before he reaches the grade higher up. The analogy, therefore, from the Accounts Department does not help the case at all—although I believe that to have been the most potent cause for this demand.

The second cause for it will be evident to the House from the details I have already given of the scales. I will take the new scales of pay so as not to complicate the position unduly. A man who enters on Rs 30 within five years finds himself drawing Rs 50, and within another four years he is on Rs 60, which is double the pay at which he entered the service. In the older scale it is even worse, because he reaches the top in the eighth year. The result is of course that as there are a limited number of posts above him, he has to spend a long period on that maximum. But what is the reason for that? One reason for that surely is that the scale of pay close up too rapidly, he goes up far faster than scales of pay normally do which are within that range or in other words, which have corresponding maxima and minima. If, instead of giving that scale, we had given for example, a scale of Rs 80 rising by two rupees to Rs 60, so that that would occupy sixteen years, we would be giving far less than we are giving now, but there would not have arisen the same demand for relief because a man has been a long time on the top scale of pay—what has been described in some of the telegrams I have received as “this cursed blockade.” I am trying to point out that although I recognize that a man staying on a fixed scale of pay like this and seeing men all around getting increments—does feel a sense of grievance, that sense of grievance is itself based on the fact that these men have been more generously treated than men in those scales normally are, and of course any question of amalgamation would make the position much worse, it will mean that in eighteen years everybody would again be on a higher maximum, with enormous expense, we would be paying very nearly half the service what is now the maximum of the higher grade. I think my Honourable friend has only to realize that position to satisfy himself that the expenditure on the concession that has been asked for would be enormous.

Mr. Lalchand Navarai: My Honourable friend has failed to give the reasons for not giving this relief.

[26TH FEB 1941]

The Honourable Sir Andrew Clow: I am giving the causes for the demand, but I am not giving the reasons why they should be conceded, the reasons in fact tell the other way

There was a reference to something that was done on the G I P, I have not the details because that was done by the General Manager without the sanction of the Railway Board but I believe there it was due to an entirely different reason, it was due to some incongruity between the old and the new scales of pay, but it is a matter which will receive the attention of the Board

Mr. M. S. Aney: What matter

The Honourable Sir Andrew Clow. On a section of the G I P, on the information at present before me, something was done which is a little difficult to justify and which has naturally reinforced demands from the N W R,—an example of the effect of that demand for uniformity with which I am so often confronted

I come now to the third reason for the agitation. It is a fact that, as far as I can ascertain, the prospects of the train clerks are very different from those in the offices. I have before me a schedule prepared by the N W Railway giving the different types of clerks and this schedule appears to show that if you take the train clerks, those men in the categories like goods clerk, booking clerk, parcel clerk, weigh clerk and so on, there are just over a thousand posts in Grade I and I think about one hundred and eleven in Grade II, in other words, it is about nine to one, so that a man's prospects of promotion from Grade II to Grade I are small. On the other hand, if we take the office clerks and those in the various Departments and Divisions, there are 1,141 posts in Grade I and 1,004 in Grade II, so that the number of posts is very nearly 50/50 and the prospects of promotion there are very much better. I suspect that where clerks graded in the same way and working in different capacities and places find their prospects so different, that has added to the sense of grievance. I must point out, however, that, while Government try to give reasonable prospects of promotion to men whenever they can, they are not justified in creating posts merely to provide promotion, which seems, in part at least, to be the demand here. We have to provide grades and fix their strength, not according to what the men feel would give them continuous or reasonably continuous promotion, but according to the needs of the service and if we were satisfied that the present grading did correspond to those needs, I should say that the Honourable Member has failed to make out a case for giving relief. That is a point however in regard to which we are not at present satisfied, the General Manager is conducting an investigation into the point at the moment with a view to seeing whether there should not be some adjustment between the grades. I do not want to raise extravagant hopes and so I cannot promise that it will mean any large scale measure of relief. It will certainly not mean relief on the magnificent scale which would be achieved if we were to amalgamate grades and promote everyone to the upper grade. But I know that Mr. Griffin has the case of these trained clerks, with whom he is familiar, at heart and under his consideration and I hope that he will shortly be in a position to place the proposals before us. If he places

proposals before us, I would be disposed to give them sympathetic consideration, for I do recognise that stagnation at a particular scale of pay, when most other people keep on rising, does tend to discouragement and consequently to inefficiency

(Lieut.-Colonel Sir Henry Gidney rose to speak)

Mr. President (the Honourable Sir Abdur Rahim) The Honourable the Railway Member has replied

Lieut.-Colonel Sir Henry Gidney: Sir, I want to speak only two or three words. I won't be long. I know the time is nearing 5 o'clock. The only point I wish to observe is to rebut what has become almost a practice in this House of placing the community which I represent as being the favoured child of the railways to the loss of interests of other communities. In a measure, I can say that we have got a certain percentage of appointments in certain sections of the railway. But Honourable Members must always remember that, whilst papers show this favoured position of my community, they forget the all-important fact, which is the deciding fact, that we have rendered years and years—in fact, generations of service and have by slow process of proving our worth by long service been appointed gradually in higher grades of these appointments. If it is the envy of other Departments, might I assuage their fears, in fact, encourage them, by saying that most of my community who occupy these favoured appointments or individual appointments are between the ages of 40 and near superannuation. A few years' more patient waiting on the part of these detractors will see their hopes fulfilled in that they would be occupying the positions that the members of my community have been favoured with today. So, I ask you not to be so critical and not treat my community in the way you do, because we have got that position by years of service and we retain it as long as we are fit. When we quit those places, you will have the lion's share, and I will look upon those posts as an envious little lamb.

Mr. President (The Honourable Sir Abdur Rahim) The question is

'That the demand under the head 'Railway Board' be reduced by Rs 101.'

The motion was negatived.

The Honourable Sir Andrew Clow: Sir, I would like to make a statement with reference to the figures I read out just now. As regards the station clerks, the figures in proportion were correct, but the actual figures were not. The figures for station clerks were 10,037 in Grade I and 1,110 in Grade II. In other words, it is 1 to 9 roughly, as I said.

Mr. President (The Honourable Sir Abdur Rahim) It will perhaps suit the House generally if the European Group discuss their motions tomorrow.

(Voices of "yes", "yes")

The Assembly then adjourned till Eleven of the Clock on Thursday, the 27th February, 1941.

LEGISLATIVE ASSEMBLY

Thursday, 27th February, 1941

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr President (The Honourable Sir Abdur Rahim) in the Chair

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

GRADE I AND GRADE II CANTONMENT EXECUTIVE OFFICERS.

†191. ***Bhai Parma Nand**: (a) Will the Defence Secretary be pleased to state whether the number of grade I and grade II Cantonment Executive Officers is complete according to the number of Cantonments to which officers of each of the two grades are posted?

(b) What is the total number of officers in each grade at present?

(c) What is the number of selection grade officers in each grade?

(d) Is this number correct according to the proportion allowed under the rules?

(e) Is it a fact that out of about two dozen Hindu officers in the service, there is none in the selection grade in grade I and only one in grade II?

Mr. C. M. G. Ogilvie: (a) No There are 12 appointments at present unfilled

(b) 30 in grade I and 29 in grade II

(c) 5—grade I, and 6—grade II

(d) Yes, as regards grade II There is one vacancy in grade I

(e) Yes, as regards grade I There are however four in the selection grade in grade II

ITALIAN PRISONERS IN INDIA

†192. ***Mr. Akhil Chandra Datta**: (a) Will the Defence Secretary please state the total number of Italian prisoners now in India?

(b) Why are all these prisoners concentrated in India and not in other Empire countries, such as, Burma?

(c) Is any capital expenditure, such as the construction of new buildings for housing the prisoners, being incurred, and who incurs these expenses?

(d) Will any or the whole financial burden of the maintenance of these prisoners fall on Indian revenues?

Mr. C. M. G. Ogilvie: (a) The total number of Italian prisoners of war in India on the 17th of February, 1941, was 17,283

(b) India has been asked by His Majesty's Government to take only a small proportion of the total number of Italian prisoners of war

(c) Yes The charges are debitable to His Majesty's Government

(d) No, none

†Answer to this question laid on the table, the questioner being absent

CENSUS OPERATIONS

193. *Mr. H. M. Abdullah: Will the Honourable the Home Member be pleased to state

- (a) the amount of expenditure sanctioned for each province in the current financial year (1940-41) and for the next year (1941-42) for census operations,
- (b) the amount, which each of the Provinces is expected to spend till the end of the current year,
- (c) whether Government propose to continue census operations till their completion, if not, why not,
- (d) what part of the census Government propose to complete and with what aims,
- (e) in case Government have decided to discontinue census operations for the present, when they propose to complete census operations on the lines they were started, and
- (f) what the total amount of expenditure would be if the census work is thoroughly completed?

The Honourable Sir Reginald Maxwell: (a) So far as the first part of the question is concerned the Honourable Member is referred to Demand No 52-Census in the Book of Demands for Grants for 1940-1941. As regards the second part, a statement containing the required information is laid on the table

(b) A statement showing the amounts which the Census Superintendents are expected to spend in their respective Provinces till the end of the current year is laid on the table

(c) The matter is under consideration

(d) and (e) Do not arise in view of the reply to part (c)

(f) An expenditure of Rs 27,10,000 in 1941-42 and of Rs 4,11,000 in 1942-43 is estimated

Statement showing the amount sanctioned for each Province for the year 1941-42 on the assumption that the census operations will close with enumeration

	Rs
Madras	80,852
Bombay	1,07,273
Bengal	10,672
United Provinces	20,912
Punjab	4,800
Central Provinces	5,700
Bihar	6,119
Assam	12,200
North-West Frontier Province	5,067
Orissa	8,652
Sind	24,102
Central India	6,130
Rajputana and Ajmer-Merwara	5,500
Baluclistan	6,960
Andaman and Nicobars Islands	600

Statement showing the amounts which the Census Superintendents are expected to spend till the end of the current year

	Rs
Madras	69,870
Bombay	90,500
Bengal	1,26,428
Central Provinces	1,08,800
Punjab	46,925
Central Provinces	45,370
Bihar	65,244
Assam	53,080
North-West Frontier Province	31,022
Orissa	47,629
Sind	52,946
Central India	46,909
Rajputana and Ajmer-Merwara	40,840
Baluchistan	54,030
Andaman and Nicobar Islands	1,300
Coorg	780

Maulvi Abdur Rasheed Chaudhury: With reference to part (c), may I know whether Government do not intend to finish this census operation this year?

The Honourable Sir Reginald Maxwell: I am not quite sure what the Honourable Member means. Of course, the census itself will be completed and finish this year. That is, all the information required for the census will be collected and stored up.

DETENTION OF DALIP SINGH GILL OF DELHI

194. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state when Dalip Singh Gill, son of Uttam Singh Gill of Delhi, was arrested and under which provision of law?

(b) How long did he remain in detention before 30th December, 1940?

(c) Was he produced before any Magistrate during the period prior to 30th December, 1940, under the provisions of the Code of Criminal Procedure? If not, why not?

(d) Was any charge made against him, and was he informed of it?

(e) Is it a fact that an order of detention under clause (h) of sub-rule (1) of Rule 26 of the Defence of India Rules, was given to him on 30th December, 1940? If so, why was such an order delayed so long if the Central Government had information that he was acting in a manner prejudicial to the efficient prosecution of war?

(f) What is the place of his detention?

(g) Is it a fact that he is being detained in a small, unhealthy, dark room in Delhi Fort, the flooring of which is uneven, the roof and walls are full of cob-webs and are damp and where no arrangement has been made for daily sweepings?

(h) What amenities of life are granted to him? Is he permitted to make representations to the authorities and write letters to his relations?

(i) Is it a fact that representations by his son to the Delhi authorities for better treatment according to his status in life have not been even acknowledged? If so, why? Is it a fact that the Deputy Commissioner and the Chief Commissioner of Delhi have declined to grant an interview to Dalip Singh's son who wanted to make representation in person?

The Honourable Sir Reginald Maxwell: (a) and (b) Dalip Singh Gill was arrested on the 1st November, 1940, and detained up to the 31st December, 1940, under rule 129 of the Defence of India Rules

(c) and (d) No No such action is required in respect of persons detained under rules 129 and 26 of the Defence of India Rules

(e) An order for his detention under rule 26 was issued by the Central Government on the 31st December, 1940 The issue of the order under rule 26 was deferred because the case was under further investigation

(f) He was in the first instance confined in the Delhi Fort, but has recently been transferred to the Delhi District Jail

(g) While detained in the Delhi Fort he was accommodated in a properly constructed detention cell, with a wide verandah and electric light

(h) The prisoner is treated in the same way as other security prisoners The reply to the latter portion of this part of the question is in the affirmative

(i) The Superintendent of Police in charge of the Delhi Criminal Investigation Department has given more than one interview to the prisoner's son and acting under the instructions of the Chief Commissioner and the District Magistrate has given replies to the various inquiries made by him

RE-ARREST OF PROF N. G RANGA, M.L.A.

195. *Mr. Govind V. Deshmukh: (a) Will the Honourable the Home Member please state if his attention has been drawn to the news published on page 1 of the *Hindustan Times* of the 13th February, 1941, about the re-arrest of Prof N G Ranga, M L A (Central), immediately after his release on last Tuesday and his being taken to the Vellore Central Jail?

(b) What were the activities of Prof N G Ranga prior to or after his release which led to his re-arrest?

(c) Had his intention to attend this session of the Assembly anything to do with his arrest?

(d) Was this arrest made under the rules made under the Defence of India Act?

(e) Were the Government of India consulted with reference to Prof Ranga's arrest?

(f) Are Government prepared to take steps to see that he is permitted to attend at least this session of the Legislative Assembly? If not, why not?

The Honourable Sir Reginald Maxwell: (a) to (d) I have seen the report in question It is a fact that Prof Ranga has been detained by order

of the Government of Madras under rule 26 of the Defence of India Rules, but I have no information of the reasons which led to his re-arrest

(e) No

(f) As the Government of India are not responsible for the circumstances which have prevented Prof Ranga from attending this Session, it does not rest with them to permit or not to permit his attendance

Mr. Govind V. Deshmukh: May I know if the Honourable Member will enquire from the Local Government of Madras what were the reasons which led to the arrest of Prof Ranga?

The Honourable Sir Reginald Maxwell: I shall probably hear the reasons in the ordinary course from the Madras Government

Mr. Lalchand Navalrai: May I know if any Honourable Member of this House is arrested under the orders of a Provincial Government, are the Government of India consulted beforehand or not?

The Honourable Sir Reginald Maxwell: No, Sir, not necessarily

Mr. Lalchand Navalrai: The Honourable Member says "Not necessarily". May I know if sometimes consultation takes place? What is the idea?

The Honourable Sir Reginald Maxwell: I am not aware of any case in which the Government of India have been so consulted, because the powers exercised are those of Provincial Governments

Mr. Lalchand Navalrai: Would the Honourable Member, therefore, in fairness to Honourable Members of this House ask the Provincial Governments to consult the Government of India before a Member of this House is handicapped in the sense of not attending the House?

The Honourable Sir Reginald Maxwell: The Government of India are not responsible for a matter which rests with Provincial Governments

Mr. Lalchand Navalrai: May I know from the Honourable Member if summons is issued by the Viceroy or the Governor General in Council for the attendance of a Member of this House and if his attendance is prevented in that manner by the action of a Local Government, would not the Government of India interfere in that matter and make a rule that the Government of India should at least be consulted before a Member of this House is arrested and detained?

The Honourable Sir Reginald Maxwell: The summons is issued by the Governor General, and not by the Government of India

Mr. Govind V. Deshmukh: Would Government see that an Honourable Member of this House who wishes to exercise his privilege of attending this House as a Member is not denied that privilege?

The Honourable Sir Reginald Maxwell: It is open to him to exercise his privilege if he can get here, but the Government of India are not responsible for the circumstances which prevent him from getting here

Sardar Sant Singh: If an Honourable Member of this House becomes inconvenient to a Local Government on account of the questions he puts and the speeches he makes in this House, and if on that account a Local Government arrests him under the Defence of India Act, will the Government of India interfere in that case?

The Honourable Sir Reginald Maxwell: That is a hypothetical question

Mr. Lalchand Navalrai: May I know from the Honourable Member if he would enquire into the facts, that this gentleman was released and then again rearrested? What were the causes for that? Are the Government of India going to enquire into them or not?

The Honourable Sir Reginald Maxwell: I have already informed the Honourable Member that I have no information as to the reasons which led to his re-arrest

Mr. Lalchand Navalrai: I am asking Government to enquire into that

The Honourable Sir Reginald Maxwell: As I have said, the matter rests entirely with the Provincial Government and it is for them to judge whether it is necessary for them to exercise the powers lawfully conferred upon them under the Government of India Act and the Rules

Mr. Govind V. Deshmukh: Will the Honourable Member enquire from the Local Government whether they are willing to allow Prof Ranga to attend the meetings of this Assembly subject to the condition that he does not deliver any lectures or address public meetings here?

The Honourable Sir Reginald Maxwell: I have explained that the Government of India have no special interest in the matter

Qazi Muhammad Ahmad Kazmi: Have Government no interest in the matter that an elected Member of this Assembly should attend this House at the time of a Session?

The Honourable Sir Reginald Maxwell: No, Sir As I have already said the Government of India are only concerned with Honourable Members when they get here. If anything prevents them from coming here, such as a railway accident or otherwise, the Government of India cannot help it

Qazi Muhammad Ahmad Kazmi: Would the Government of India at least make an enquiry as to whether Prof Ranga has been detained only on account of certain suspicions against him or that it was in pursuance of some act that was done by him that he was re-arrested and detained?

The Honourable Sir Reginald Maxwell: It can be assumed that the Government of Madras must have had very grave reasons for placing Prof Ranga or any other person under detention

Sardar Sant Singh: May I know whether in the case of those provinces where the Constitution is suspended under section 93 of the Government of India Act, it is or it is not within the power of the Governor General or Governor General in Council to supervise the acts of the Local Governments?

The Honourable Sir Reginald Maxwell: No, Sir. The existence of a section 93 situation makes no difference to the powers of the Government of India.

Mr. Govind V. Deshmukh: In view of the answer that the Local Government had suspicions to put Prof. Ranga under arrest, how does the Honourable Member reconcile the former answer that the Government of India did not know the reasons for his arrest? How can this be explained?

The Honourable Sir Reginald Maxwell: I do not follow the Honourable Member's question.

Mr. Govind V. Deshmukh: Just now a reply was given to my Honourable friend, Mr. Kazmi, that the Local Government entertained reasonable suspicions for putting Prof. Ranga under arrest and shortly before another reply was given to me that Government do not know the reasons. Does the Honourable Member now wish to convey to the House that he had reasons to think that the Local Government had suspicions to put him under arrest? If so, what are the reasons and what are the suspicions?

The Honourable Sir Reginald Maxwell: What I said was that I assume that the Government of Madras had very grave reasons for placing Prof. Ranga or any other person in detention.

Qazi Muhammad Ahmad Kazmi: Is the Honourable Member prepared to go beyond this presumption and make a real inquiry as to whether it was only on account of suspicion or of any overt act that he has been detained?

The Honourable Sir Reginald Maxwell: No, Sir, the Government of India do not ordinarily inquire into every case of detention and, as I have attempted to explain, they had no special reason for doing so in the case of Prof. Ranga.

CASUALTIES AMONG INDIAN ARMY IN EGYPT, AFRICA AND NEAR EAST

†196. ***Mr. Muhammad Nauman:** Will the Defence Secretary be pleased to state

- (a) the total number of Indians, soldiers, officers, and other military employees, killed in and around Egypt and in other encounters with Italy in African territories, or Near East area, on land and sea, from June, 1939, to December, 1940,
- (b) the number of Muslims and non-Muslims so killed in the different battles or expeditions, and
- (c) the total number of Indians, soldiers and officers, sent out from India to Egyptian front from January, 1939 to December, 1940?

Mr. C. M. G. Ogilvie: (a) A statement has been laid on the Table
 (b) The number of Muslims killed is 22 and of non-Muslims 52
 (c) It is not in the public interest to answer this part of the question

†Answer to this question laid on the table, the questioner being absent

Total number of Indians killed from the outbreak of war to December 31, 1940

	Muslims	Non-Muslims	Total
<i>Somahland</i>			
Indian Other Ranks	3	1	4*
* Includes 1 died of wounds			
<i>Egypt</i>			
V C Os	1	1	2
Indian Other ranks	12	10	22
<i>Sudan</i>			
Indian other Ranks	6	40	46*
*Includes 10 died of wounds			
<i>Reported Missing believed killed</i>			
<i>Somahland</i>			
Indian Other Ranks	10	1	11

INDIAN ARMAMENTS SENT TO EGYPT

†197. ***Mr. Muhammad Nauman.** (a) Will the Defence Secretary be pleased to state what armaments have been sent to Egyptian front from India since January, 1939

(b) What is the approximate value of those armaments, and have His Majesty's Government paid for them on 'Cash and Carry' basis?

Mr. C. M. G. Ogilvie. (a) It is not in the public interest to answer this question

(b) It is not in the public interest to reveal the value. As regards arrangements with His Majesty's Government, I refer the Honourable Member to the statement made by Honourable the Finance Member in his Budget speech in the Legislative Assembly on the 29th February, 1940

INDIANS RECRUITED FOR THE REGULAR ARMY

†198. ***Mr. Muhammad Nauman:** Will the Defence Secretary be pleased to state

(a) the total number of Indians recruited for the regular army from 1st June, 1938, to 31st December, 1940,

(b) the total number of Muslims so recruited from 1st June, 1938, to 31st December, 1940, all over India, and

(c) whether Indian soldiers are being recruited on a permanent basis as soldiers in the Indian army, or on contract terms for some specified period or with terms for the duration of war?

Mr. C. M. G. Ogilvie: (a) and (b) It would not be in the public interest to publish these figures

(c) With effect from the 25th September, 1939, every enrolment or engagement in the Indian Army is for the duration of the war and 12 months thereafter, if necessary

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INDIAN EMERGENCY COMMISSIONED OFFICERS

†199. *Mr. Muhammad Nauman: (a) Will the Defence Secretary be pleased to state the terms of the contract of the Indian Emergency Commissioned Officers?

(b) What will happen to them on the expiry of their term of contract?

(c) Do the Government of India take any responsibility to absorb them in the permanent army, or in any other Government service after the expiry of the contract, or on the termination of this war?

(d) What pension is allowed to the wives and children of Emergency Commission Officers, if they are killed in action?

Mr. C M G Ogilvie: (a), (b) and (c) Indian Emergency Commissioned Officers engage to serve for the duration of the war and for so long thereafter as their services may be required. There can be no express guarantee that permanent commissions or other permanent Government employment will be found for officers commissioned for the emergency, but every endeavour will be made to absorb as many as possible, and a scheme for the protection of their interests is now under the active consideration of Government.

(d) The rates of pension for the families of Emergency Commissioned Officers of His Majesty's Indian Land Forces are contained in Army Instruction (India) No 133 of 1940, a copy of which is in the Library of the House.

PENSIONS OF THE FAMILY OF INDIAN SOLDIERS AND OFFICERS KILLED IN OR
MADE PRISONERS OF WAR

†200. *Mr. Muhammad Nauman: (a) Will the Defence Secretary be pleased to state the arrangement arrived at between His Majesty's Government and the Government of India with regard to the pensions of the family and children of the Indian soldiers and officers killed in action during this war either on European Frontier, Egyptian Frontier or the Near East area and Africa?

(b) What pensions are given to the families and children of British soldiers killed in action, if they are in the regular army?

(c) What pension is paid to the families, if their men are in the 'Auxiliary Force' and are killed in action during the war?

(d) What amounts are paid to the wives and children of the British and Indian soldiers and British and Indian officers when they are prisoners of war in the hands of the enemies?

Mr. C. M. G. Ogilvie: (a) If, as I assume, the Honourable Member wishes to learn the details of any financial arrangement that may have been concluded in this connexion, the answer is that the question is still being discussed with His Majesty's Government.

(b) and (c) The grant of pensions to the families of British soldiers, as well as of members of the Auxiliary Force (India), killed in action during the war, are governed by the terms of the Royal Warrant reproduced as an appendix to Army Instruction (India) No 4 of 1941.

† Answer to this question laid on the table, the questioner being absent

(d) The rules on the subject are laid down in Army Instructions (India) Nos 273, 275 and 372 of 1940

Copies of all these orders will be found in the Library of the House

HIGHER INITIAL SALARY FOR ANGLO-INDIANS ON RAILWAYS

†201. ***Bhai Parma Nand:** (a) Will the Honourable the Home Member please state whether it is a fact that the Railway Board has made a rule in accordance with which all Anglo-Indians are recruited on an initial salary of Rs 55 per mensem, while Indians are employed on the same job on Rs 30 or below? If it is not so, what is the fact?

(b) Is it a fact that the principle governing the fixation of pay is the nature of work or employment and not the consideration of the past history of any community? If not, what is the fact?

(c) Will the Honourable Member please state particulars of the Anglo-Indians recruited on Rs 55 per mensem detailed for services with the Expeditionary Forces out of India?

(d) If no Anglo-Indian from any Railway is detailed for service under Defence Department, what are the reasons therefor?

(e) Do Government propose to discontinue the extra allowance of Rs 25 per mensem granted to Anglo-Indians for joining the Auxiliary Force when they are not required for service during the present war? If not, why not?

The Honourable Sir Reginald Maxwell: (a) and (b) I would refer the Honourable Member to the reply given by me on the 22nd February, 1941, to Dr Sir Ziauddin Ahmad's starred question No 123

(c) A number of Anglo-Indians have volunteered for service and been recruited into Railway Units of the Corps of Indian Engineers I cannot give details

(d) Does not arise

(e) As I have explained in my reply to Dr Sir Ziauddin Ahmad's starred question No 123, the minimum rate of 55 for Anglo-Indian is fixed in view of the provisions of section 242 (2) of the Government of India Act, 1935 It has nothing to do with liability to military service overseas, nor is the Auxiliary Force liable to such service

UNSTARRED QUESTION AND ANSWER

HIGHER INITIAL SALARY FOR ANGLO-INDIANS ON RAILWAYS

64. **Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Home Member please state whether it is a fact that the Railway Board had instructed the General Manager and Agent of the Bengal and North Western Railway Company, Limited, that all Anglo-Indians are to be recruited on an initial pay of Rs 55 per mensem?

(b) Is it a fact that to meet the extra expenditure incurred in the provision of Anglo-Indians, the Indians are recruited for the jobs, on which Anglo-Indians are employed, on Rs 15 per mensem?

†Answer to this question laid on the table, the questioner being absent

(c) Is it a fact that the standard of education and living of present day Indians are in no wise inferior to that of Anglo-Indians?

(d) Will the Honourable Member please state the reasons for the discrimination in the employment of members of different communities on the same job, when the fundamental principle for the fixation of pay is "the nature of employment" and not the community to which one belongs?

The Honourable Sir Reginald Maxwell: (a), (c) and (d) I would refer the Honourable Member to the reply given by me on the 22nd February, 1941, to Dr Sir Ziauddin Ahmad's starred question No 123

(b) The information is being obtained and will be supplied in due course

MESSAGES FROM THE COUNCIL OF STATE

Secretary of the Assembly: Sir, two Messages have been received from the Council of State. The first Message runs as follows

"I am directed to inform you that the Council of State at its meeting held on the 26th February, 1941, agreed without any amendment to the Bill to provide for the reduction temporarily of the amounts payable as instalments of the sum to be deposited by an insurer under section 7 of the Insurance Act, 1938, which was passed by the Legislative Assembly at its meeting held on the 14th February, 1941."

Sir, the second Message is as follows

"I am directed to inform you that the Bill further to amend the law relating to fraudulent marks on merchandise, which was passed by the Legislative Assembly at its meeting held on the 17th February, 1941, was passed by the Council of State at its meeting held on the 26th February, 1941, with the amendments shown in the enclosed statement

The Council of State requests the concurrence of the Legislative Assembly in the amendments"

Sir, I lay on the table the Bill as amended by the Council of State

THE RAILWAY BUDGET—LIST OF DEMANDS—*contd*

SECOND STAGE—*contd*.

DEMAND No 1—RAILWAY BOARD

Mr. President (The Honourable Sir Abdur Rahim) The House will now resume discussion of the Railway Budget and deal with the Demands for Grants

Dearness Allowance for Railway Employees

Mr. O. C. Müller (Bengal European) Sir, I beg to move

"That the demand under the head 'Railway Board' be reduced by Rs 100"

I wish to discuss on this motion the report of the Court of Inquiry to investigate the question of dearness allowance for railway employees. In order to discuss this question thoroughly it is necessary in the first place to consider the scale of wages existing on the Great Indian Peninsula Railway system, since it is in relation to those wages that the railway employees have claimed a dearness allowance. The scale is three-fold

[Mr C C Miller]

First, the Manmad scale which was introduced in 1920, secondly, the Chandwani scale introduced in 1930, and thirdly, what is known as the revised scale which was introduced in 1935 with retrospective effect to 1931. Taking the Manmad scale first, this scale embodied various allowances which had been introduced during the four years' war and also certain increases of pay, and there is evidence to show that at the time it was accepted by the staff with gratitude. I think, Sir, most Honourable Members of this House will be able to cast their minds back to 1920 when India in common with many other countries was living in a fool's paradise of illusory wealth and they will also remember the years of disillusionment of constantly dropping prices and of leanness which followed. In that year, taking the year 1914 as 100, the Bombay cost of living index stood at the figure of 183, a figure which has never been approached since that time.

The next scale, the Chandwani scale, was introduced in 1930. This introduced a certain amelioration, particularly in the lot of the lower paid employees. But if no objection was taken to the Manmad scale it is difficult to see how any objection can have been taken to the Chandwani scale, since if any employee was adversely affected by the latter he was allowed to remain on the Manmad scale.

Thus far I think it will be conceded that the advantage lay with the railway employees in comparison with others, particularly the primary producers who were in less sheltered occupations, who had to bear the full force of the economic blizzard.

I now turn to what is known as the revised scale which was introduced in 1935 with retrospective effect to 1931. There was undoubtedly a real hardship in that the scale took such a time to prepare,—four years in fact seems almost unnecessary time,—and that it applied retrospectively. On the other hand, I think the general view might be that it was time that those in sheltered occupations endured a little bit of the hardship which was falling to others. But one thing must be remembered about this Chandwani scale and that is that it affected only entrants to service after July, 1931, and that the number who were affected is in consequence relatively a very small one. The figures of the total Great Indian Peninsula Railway employees are something over 44,000 and the figures of those who are on the revised scale are a little over 8,000. It, therefore, is obvious that rather more than four-fifths of the railway employees were still on the Manmad or Chandwani scales and rather less than one-fifth were affected by the revised scale.

The facts that I have given are not, I think, disputed, and they form the main basis for the employers' contention that a claim for dearness allowance is not at present established. The finding of the court, however, recommends a dearness allowance of somewhat substantial proportions, and rather surprisingly goes on to express the hope that this dearness allowance may not be treated as an allowance at all but may be incorporated as an integral part of the wages of those who receive it.

I, therefore, now turn to the Report itself. In support of their case the employers have quoted freely from the cost of living indices in various centres within their administration, and particularly from the cost of living indices relating to Bombay city. The court have disputed these figures and particularly in relation to Bombay city have corrected them in an

upward direction. The time at my disposal does not permit me scope to examine all the figures relating to all the six centres concerned and so I will concentrate on the cost of living figures for Bombay city and the finding of the court in that direction.

These findings are based on a comparison of the periods September, 1939, to August, 1940 with September, 1938 to August, 1939, that is to say, to the last year before the war and the first post-war year. On this standard the Bombay figures show a rise of seven points in the first year of war. The court, however, subsequently comes to the conclusion that the actual rise was eleven points, and because it is known that the Bombay Labour Office spends considerable care and skill on the compilation of these figures, it behoves us to consider the evidence in regard to this alleged inaccuracy. In the first place, one feels bound to observe that the evidence of 40 or so witnesses is somewhat meagre to correct carefully compiled official figures and it must also be noted that this evidence for the larger part emanates from railwaymen and for the smaller part from shopkeepers. I think it is a fair contention that in circumstances such as these the evidence of shopkeepers is the more valuable, for two reasons, one, that it is less biased, and, secondly, because shopkeepers are likely to keep more accurate accounts. But I would state that I use the expression "less biased" advisedly, because I do not think that any sellers are likely to object to an accretion of wealth in the hands of their customers. Another point to be observed is that the more reliable evidence came from persons of a higher grade than those who were actually affected by the findings of the report. This is perhaps inevitable, but I do not find any evidence that the implications of such evidence were considered, that is to say, there may be more difference, let us say, in the rise of a higher grade of rice than in the rise of a very considerably lower grade of rice.

But in particular I would like to draw the attention of the House to the opening lines of the rather important paragraph, No. 29 on page 16. It says

"Analysing the statements we have found that a larger number of them contain prices for August 1939 and July 1940 than for any other pair of months separated by the outbreak of the war."

Now, I claim with some pride the possession of a singularly ingenuous and simple mind, but even to my simplicity there appears a certain suspicion about this matter. It is very difficult to visualise a man who keeps an account for August, 1939, and again for July, 1940, but does not keep any accounts in the interim. It must be remembered that August, 1939, represents the very last month of peace and July, 1940, represents the very last month of war before the court sat. Its first session was, I think, towards the end of August. However, the court proceeds on that basis. To continue perusal of this important paragraph, which relates to the items of fuel and food in the cost of living indices, it would appear from this paragraph that where the official figures are not disputed they are accepted. On the other hand, when they are disputed the evidence against them is accepted, and yet from this somewhat one-sided handling, the official figures emerge extremely creditably, because the court finds only a fractional increase as regards these two items. In the following paragraph, No. 30, which deals with house rents, the official figures are accepted and then we come to the very difficult item of clothing. Here the Bombay Labour Office admits that there may have been defects as it is an

[Mr C C Miller]

extraordinarily difficult subject to cover. The Railway Administration concedes a rise of from 10 to 13 points, and the Railway Federation on the other hand claims a rise of 25 points. In this contentious question only seven witnesses are examined by the court, and their evidence varies enormously, but to the layman at least the following salient point seems to emerge. Witness No 3 seems to be, according to the findings of the court, the best witness whom they examined and on two occasions he receives special eulogy from the court. Witness No 3 finds that the increase in his clothing bill was from 6 to 12 per cent, but admittedly with the proviso that he has recently purchased inferior cloth. Well, I think that is what we all do. In times of stress we have to cut our coat according to our cloth. We either buy fewer clothes, or inferior cloth or do both, and it would seem that the evidence of Witness No 3 that his expenditure on clothing has increased by 6 to 12 per cent very largely confirms the admission of the Railway Administration of a rise from 10 to 13 per cent.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member has exhausted his time.

Mr. C C. Miller: Might I be allowed three more minutes, Sir?

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member can conclude his speech now.

Mr. C. C. Miller: Thank you. The next item is the Miscellaneous group in which "travelling" is the principal consideration. Here the administration claims 8 per cent and the Federation claims 35 per cent on account of the increased rates of motor buses and steamers. Well, the claim of the administration is that a great majority of the railway men who travel do so on free passes, and that if there is a very considerable enhancement of steamer and bus rate, that enhancement is surely offset by the allowance of 8 per cent which they receive. The Court, however, does not adjudicate on this point, but merely details the conflicting claims which are as follows:

"Railway Administration 109,

The official figure admitted to be defective in regard to clothing 108, and the Railway Federation claim 114"

Having made this statement, the Court then proceeds to apply to the official figures from September, 1939 to August, 1940, a correction of 6 points which represents the contention of the Federation only in respect of July, 1940. So, the effect is that prices in the whole of the first post-war year are calculated on the basis of the prices in July, 1940, and on this basis the Federation claims an increase of 13 per cent, while the Administration admits an increase of 8 per cent. The Court finds a figure merely midway between these points of 11 per cent. I think it must be admitted that the evidence in support of this finding is somewhat flimsy. Only six witnesses appear to have been examined in all, and of those, there are two, Nos 2 and 3, whose evidence very largely confirms the view of the Administration. Witness No 29 on the face of his accounts shows an extremely small increase in living, but his accounts are so complicated by his hospitality and other factors that perhaps they had better not be considered at all, whilst two other witnesses produce evidence which does not cover this all important point of clothing at all.

I have dealt at some length with this question, Sir, because it constitutes the first term of reference of the Court and therefore it seems to us to be particularly important. I will not discuss the findings of the Court, because they are under the consideration of the Government, but I would remark on this point that the Government of Bengal have recently announced their decision to introduce a dearness allowance of Re 1 to all employees on a salary of Rs 30 or under, and that this grant is based on the price of the cheapest common rice.

But before I sit down, Sir, there are two or three points which merit consideration and to which I should like to refer briefly. There is the question of the balanced diet considered in paragraph 76 which is closely connected with the question of the "poverty line" considered in paragraph 91. I think it might be advanced that it is doubtful if either the balanced diet or the "poverty line" comes within the purview of the Court, but at least it must be conceded that these questions depend entirely on the cost at the time of its various ingredients. Perhaps it will best illustrate my point if I state that the same Court sitting in 1920 on the basis of the cost of living at that time would in all probability have found the "poverty line" somewhere in the neighbourhood of Rs 60 a month.

Another point is the recommendation of the Court that the question of the dearness allowance should be the subject of quarterly revision based on a definite rise or fall of 5 points in the cost of living indices. This recommendation is to a certain extent negated by the hope expressed by the Court at page 116 of their Report that the allowances recommended may be retained as an integral part of the wages of those who receive it. We would also advocate periodical revision of conditions, but we should oppose very strongly indeed any suggestion that definite allowances to meet transient circumstances should ever be included as an integral part in wages.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member has much exceeded his time. He should now wind up his speech.

Mr. C. C. Miller: And, finally, Sir, the question of the composition of such Courts of Inquiry has given us much food for thought. It seems that these economic questions go much beyond the purview of the ordinary procedure of a civil court and should perhaps be entrusted to persons who have day to day contact with labour, and who are thoroughly conversant with the conditions under which labour lives, feeds and clothes itself. Besides people with such qualifications, that rather rare person, the experienced statistician, is of particular value in such a capacity. I would suggest for the consideration of Government the advisability of the maintenance of a permanent or semi-permanent panel of persons well qualified to act on such Courts, who would in course of time acquire valuable experience for this special duty. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) Cut motion moved.

"That the demand under the head 'Railway Board' be reduced by Rs 100"

Mr. N. M. Joshi (Nominated Non-official) Mr President, I feel that in discussing this Report we are at a disadvantage from one point of view. The Government of India have not yet announced what action

[Mr N M Joshi]

they propose to take on the Report of the Court of Inquiry, and unless we know what action Government propose to take, it is somewhat difficult for us to discuss this subject thoroughly. However, as the question has been raised for discussion, I would say a few words on what has fallen from the Honourable Member who represents the European Group on this question.

At the outset, Sir, I would like to say that although the Government of India took a long time to appoint a Court of Inquiry to go into the question of the dearness allowance, the railwaymen must be grateful to them for having agreed at last to the appointment of a Court of Enquiry. The cost of living was going up and the Government hesitated for a long time. However, as they appointed a Court of Enquiry I need not say anything more except that, whenever the workers ask for a Court of Enquiry the Government of India should not hesitate to give an enquiry. If the workers ask for an enquiry, the Government will not lose anything else except the salaries of the court, by the appointment of a Court of Enquiry.

I would like to say as regards the report itself that, without going into details, after reading the report my own impression was that it was a good report, if one should venture to express an opinion on a detailed report of this kind in one word. On the whole, the report has done justice to railwaymen, to some sections of railwaymen I should have said. They have recommended an increase of two rupees on a flat rate basis for the lowest paid railway employees. They have made certain categories of railway employees—those who get Rs 35 in Bombay city, those who live in urban areas getting Rs 30, and those who live in rural areas getting Rs 25. These three sections of the railway employees on the Great Indian Peninsula Railway have been allowed an allowance of Rs 3 at a flat rate. I feel, Sir, that the recommendation of the Committee is, on the whole, very fair and their proposal of a flat rate is also very fair and just. Those who get the smallest wages will get a larger proportion of increase. To those who get larger salaries the proportion of increase will be smaller. I think this is a right principle on which dearness allowance should be granted. I should have very much liked that the enquiry committee should not have confined their recommendations for dearness allowance only to those who get Rs 35 and less. If you go through the report, you will find that the Court of Enquiry was convinced that there was a good case for dearness allowance even to those who were paid more than Rs 35, but it seems to me that the court was somehow very much frightened by the amount of money which it may cost the Government to give dearness allowance to a larger number of railway employees.

Mr. M. S. Aney (Berar Non-Muhammadan) They did not know the railway surplus then.

Mr. N. M. Joshi: It is the undercurrent of the report—they show by various statements that they have made that they would have very much liked to recommend allowances even to those who get more than Rs 35, but they felt that they must take into consideration the cost the Government may have to incur for paying dearness allowance. They have taken that into consideration.

Mr. M. S. Aney: Should they not?

Mr. N. M. Joshi: It is not the business of the court to take that into consideration. When a court is appointed to enquire into whether dearness allowance should be granted and to which sections of the employees

Mr. M. S. Aney: and to what extent

Mr. N. M. Joshi: the court should decide on the merits. It is for the Government then to say whether they have got the money or not, and not for the court

Mr. M. S. Aney: Is the paymaster's view not to be considered?

Mr. N. M. Joshi: It is the view, which I take, is not the duty of the court

Then the report also, I think, rightly lays down certain minimum. I did not quite follow what was said about the minimum being different if the court had sat in 1920. Well, Sir, the minimum will certainly differ. The populations all over the world go on improving their standard of living generally and what may have been considered to be a minimum in 1920 cannot certainly be accepted as the minimum in 1940. That is quite clear. We all want the standard of life of the people in this country to go up. I do not think there is any section of the public, any section of this Legislature, which will not approve that the standard of life of the people must go up, and it is not surprising that what may have been considered to be minimum in 1920 should not be accepted as a minimum in 1940. That is what we want, and the court very rightly took into consideration the fact that what may have been considered a minimum in 1920 cannot be accepted as a minimum in 1940. I do not know whether they have made sufficient allowance for the rise in the standard of life, but the principle that they lay down is sound.

It was said on behalf of the European Group that the need for such an allowance for those people who are under Manmad and Chandwani rates of pay was not established, and the Honourable Member who spoke for the Group quoted certain figures and challenged certain statements regarding the cost of living indices given by the Court of Enquiry. It is difficult to deal with these detailed figures just on the spur of the moment, I am not going to do that. What I feel is this that, on the whole, the court has acted wisely in taking the figures of the Bombay Labour Office as the basis. It was not possible for any court to prepare its own cost of living index. They, therefore, took the Bombay figures, the Sholapur figures and certain other figures as the basis and then the court proceeded to make certain corrections and alterations which were necessary on account of the facts which were placed before them. If the court had not done that, the court could not have finished its work for a long time. I think the court was very wise, and moreover, I would like the European Group to consider this. In figures of this kind, there cannot be any finality. Neither in India nor anywhere else in the world can you get perfect figures on this question. Therefore, if a properly established Government Department produces certain figures after collecting facts for a

[Mr N M Joshi]

long time, I think we should be wise in accepting them as a substantial basis. Where we find that there is need for change and that need is proved on the evidence which the court declares to be sound

Mr L. C. Buss (Nominated Non-Official) On entirely inadequate evidence

Mr. N. M. Joshi. In this matter I would certainly go by what the court says than by what one of the Parties say. The European Group represents the administration, the employers. Well, they produce certain evidence, the representatives of the workers produce certain evidence. My general inclination under such circumstances will be to accept the view of the court as the third party. We may not like the findings of the court but still if we have to take action that action ought to be taken according to the advice of the court, I think, we shall have to accept that position.

Mr. M. S. Aney You are in safe company

Mr. N. M. Joshi. Yes. I would not like to advise Government not to accept the finding of the court and accept the finding of the European Group.

An Honourable Member Mr Joshi's finding

Mr N. M. Joshi. I am not asking that my view should be taken. I would like the European Group to remember one point. After all what has the court done. They have asked for certain increases or additional allowances to be granted. They are not raising the standard of life of the people at all. We must remember this, that by giving this allowance people are not going to be better off than they were before. These allowances are intended only to prevent the standard of life going down. In these war days many people are getting more money. Some people are getting larger salary and some are making more profits. I do not know whether we can find out what profits these employers have made during war times. The proceeds of the excess profits tax may be some index but that cannot be the true index. Most of these people, the employers, have made large profits during the war and what the Court of Inquiry does about the poor employees is not that they should get more on account of the war at all but their standard of life should not go down very much. That is what the court has done. As regards those people who are making profits and Government allow them to make profits I find that these very people come to the Legislature and say that if the standard of life of the employees is going down, the loss should not be compensated by Government. Well Sir, there are other points in the speech but it is difficult to deal with all of them especially on a subject of this kind but the Honourable Member said that the evidence of the railway employees is not so reliable. The evidence of the shop-keepers is somewhat better but not quite so reliable. The only evidence which he thinks is reliable is the evidence of the officers. He said that the evidence of the better paid railway employees is more reliable.

Mr. C. C. Miller: On a point of explanation. I was merely quoting from the report—that the evidence of one particular witness was exceptionally reliable.

Mr. N. M. Joshi: What did the report say? The evidence of one witness was reliable?

Mr C. C. Miller: One particular witness I was referring to the top of page 21, para 37, witness No 3, whose candour and meticulous accuracy of statement was most impressive

Mr. N M. Joshi: It is quite possible that one of the witnesses was quite reliable but my impression from the speech of the Honourable Member was that he felt that particular classes of witnesses were more reliable. If he does not maintain that, I have nothing more to say. In my own judgment, there are good witnesses in every class of people, good witnesses among the railway employees, good witnesses among the shopkeepers and I am prepared to concede there may be good witnesses even amongst the officers. I do not agree that there is more reliance to be placed upon the evidence of particular sections of the witnesses. As regards the warning which the Honourable Member has given that Government should not make these allowances permanent, I think he need not be in a hurry. Let the Government consider first the question of giving these allowances and when these allowances have continued for some time, it will be time enough to consider whether we should allow the standard of life of the people which had been maintained at a certain level to go down. It will all depend upon the circumstances at the time.

Mr President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

Mr N M Joshi: I shall finish soon. The Honourable Member made a suggestion that the Government of India should have a sort of permanent panel of chairmen to deal with such questions. I would not object to 'panel of chairmen'.

Lastly, I would like the Government of India to do one thing, that they lost a good deal of time in appointing the court and they should not now take any more time in coming to a decision as regards the finding of the court. There is already unrest among the railwaymen. I find that in Bombay there have been some meetings of the railwaymen. They are pressing that the Government of India should start paying the dearness allowance immediately and I, therefore, hope that the Government of India will not lose time in giving effect to the recommendations of the Court of Inquiry. I would say one thing more to the Government of India. Although the Court of Inquiry has recommended the dearness allowance to people who get Rs 35 and less, they should consider also the question of those people who get more than Rs 35. As regards giving effect to the recommendation made by a Court of Inquiry, I have no doubt that the Government of India will feel it to be their duty to accept in their entirety the recommendations of the Court of Inquiry. Having appointed a Court of Inquiry, having appointed people like the Chairman of the Court of Inquiry, a man who is a High Court Judge, who has also a good deal of experience of work in the Government of India, I think it is the bounden duty of Government to accept in their entirety the recommenda-

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tions of the Court of Inquiry. I hope, Sir, the Government of India will do that and will also take into consideration the claims of those people who get more than Rs 35

Mr. T. Chapman-Mortimer (Bengal European) Sir, Mr Joshi, I think, has misunderstood the point of view expressed by my Honourable colleague from Bengal and he has misunderstood also the point of view of this Group as a whole. We are not criticising the findings of the court. What my Honourable colleague just now criticised was the methods by which they reached these findings. We feel that these questions, of wage rates and then relation to the cost of living are fundamental and vitally important questions, affecting not merely the particular industry, whose position at a particular time is under the consideration of some court set up for some special purpose, but affecting all industries throughout the country, and, of course, in particular in this case Government, themselves, in relation to their servants in other employment than the railways. Mr Miller, I am quite sure, intended to cast no reflection on the court and we all share the view of Mr Joshi that its distinguished members did their best to examine this question fairly. They did their best, but that does not deny us the right of criticising some of the methods by which they conducted the inquiry. That is all Mr Miller, as I understood it, attempted to suggest. It is not in any way suggested that wages should not be adjusted to a rise in the cost of living. There is no Member of this Group and no Member of this House who desires to see any reduction in the standard of living of the people of this country. On the contrary, as Mr Joshi quite rightly pointed out, a rise in the standard of living is in the best interests of the whole country. That, however, does not mean that we should be blind to the fact that, as in England so here, there is a danger that certain classes in the country may, owing to their favourable position—because their industry does not feel the full blast of competition—establish for themselves wage rates out of consonance with the wage rates applicable in industry not so favourably situated. That is all the point Mr Miller sought to make and I should like to take this opportunity of clearing up any doubt that may remain in Mr Joshi's mind on that point. Sir, I support the motion.

Mr. Lalchand Navalsrai (Sind Non-Muhammadan Rural) Sir, on this 12 Noon, point I think we should accept the findings as well as the reasons for those findings of the Court. The question arose on this point with regard to the dearth of the prices of certain articles and the demand, as such prices have risen, for giving an allowance to the employees. Now, the question came directly between the employees and the employers, and when the demand was made by the employees, that the question should be decided by an independent tribunal, I think it was wise on the part of Government to refer this question to the tribunal that they have formed.

Now, coming to the tribunal itself, it is alleged that it would have been better if some commercial people should have decided this question. It appears to me that that would be more or less a question between the parties again and the parties would be deciding between themselves, or

the employees would also have asked that some of their own members should also be on the committee. Therefore, I think that the Committee that has been appointed is the only independent committee of judges who have decided the question. It cannot be said that the commercial people would have decided this question better. On the contrary, I am submitting that these judges are most competent to go into any question that has been placed before them. They are deciding tough and very difficult questions and they are deciding on evidence, and they judge it from the point of view of the evidence that comes before them and, therefore, I am submitting that that Committee was the best Committee that has decided it. Now, with regard to what the last speaker, the Honourable Mr. Chapman-Mortimer, said, *viz.*, that they do not criticize the findings of the Court of Enquiry, but that they have taken some exception to the methods by which those findings were found, well, the methods were very good, better than the ordinary methods of calling for evidence, the evidence of employees, the evidence of employers and of some other commercial people. Now, when I saw that the European Group had put this point forward, I was putting the question to myself whether they put it forward for the purpose of opposing any dearness allowance being given to the employees or that they were supporting it. I should have thought that when a committee of judges was appointed and they have taken evidence and they have come to a certain conclusion, then in fairness they would not oppose it but the thought occurred to me as to who they were and I found that they were the employers.

An Honourable Member: Oh, oh!

Mr. L. C. Buss: Surprising conclusion!

Mr. Lalchand Navarai. Surprising only from this point of view that they want to impede the allowance being given to their own clerks and other employees who also would require to be put on the same level or given a certain dearness allowance. Therefore, I say, they are right from their point of view in coming forward and putting forth this point, but at any rate I for one do not see eye to eye with them, nor have they given any reasons. Having said that they are not criticising the findings, I would ask them the plain question—"do they accept the findings or not?"

Mr. L. C. Buss: That does not arise.

Mr. Lalchand Navarai: It is only putting forth a matter in a manner which I submit is only in their own interest. Sir, we are accustomed to the evasive answers given from the Treasury Benches.

An Honourable Member from the Treasury Benches: Never, never.

Mr. Lalchand Navarai: Sir, coming to the question—I sometimes forget what time is left for me to complete my speech (Interruptions).

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member has two minutes more.

Mr. Lalchand Navalrai: Now coming to the question of the method by which this report has been made, I submit that they have said that one witness gave exceptionally acceptable evidence—Mr Joshi said 'reliable evidence', but I do not think they said 'reliable'—what they say is, 'excellent evidence', but what are the judges to do? They cannot decide on the basis of the evidence of one witness, and the evidence of other witnesses may even vary, it is therefore that judges are appointed to take evidence and to come to a conclusion on the whole of the evidence put together. Therefore, Sir, they having come to a conclusion on the facts, I should say that the facts should be accepted, the evidence should not be challenged unless and until they have accepted evidence which is false or which nobody would accept. But that is not alleged. Here it is said that the evidence of some witness is taken which in some other light may have a different effect. But that happens between the judges too. But having considered on the whole what the evidence is and having come to some decision, I submit that there should be no question with regard to the merits on which they have given their findings. Now, it is said that the reference was made to the scales of these employees and it was said that there was one scale, the Mammad scale and the other the Chhandwani scale, as they called it. Now, why were they asked for to be revised? Because they considered that the pay or salary was not sufficient in comparison with the work they were doing—and that is what is being done by the Government, they are scrutinizing these and they are considering whether to give them some rise in that direction. Therefore, it cannot be said that if to some extent it was revised and some help was given to them, it was wrong. As my Honourable friend Mr Joshi, said their standard of living has to be improved and that is done in the case of everybody. As he pointed out if there is anything being done in order not to accept the report that will be on the contrary, bringing down their standard of living. In that case I submit the question of scales should not arise here. Besides the Committee knew that there were other scales also and all these matters were put before them and having considered them, they came to this conclusion.

Now, Sir, the report recommends that dearness allowance should be given only to those who are drawing from Rs 30 to Rs 35. I have been saying that this scale of pay is certainly not sufficient to extend help to those who are suffering on account of the dearness. Therefore, it is the duty of the Communications Member to consider this problem from all points of view and see whether this dearness allowance cannot be extended to people drawing up to Rs 60 a month. In that case, a question of economy will arise. That question I think, should be left to the Government to solve. We are accustomed to receive the reply from the Government even when a case has been made out for some expenditure that now it is a question of economy. They generally say that they have not got much money and therefore they cannot incur that expenditure. I do not think such a thought would enter into the mind of the Honourable the Railway Member in this case especially when there is so much surplus with him. Therefore I submit that the report has not definitely stated that this dearness allowance should be given only to those who are drawing Rs 30 or Rs 35 and therefore the question of extending this allowance also to those who are drawing a salary of Rs 60 or Rs 65 should also be considered. I believe the report was made at a time when the increase

in the revenues of the railways was not known to the Judges. Had they known that there would be such a surplus I believe they would have had no hesitation in recommending that the allowance should be given to persons who are drawing a salary up to Rs 60.

Mr. President (The Honourable Sir Abdul Rahim) The Honourable Member has exceeded his time-limit already.

Mr. Lalchand Navarai: May I request you, Sir, to give me one or two minutes more as you have given to others.

Mr. President (The Honourable Sir Abdul Rahim) Very well.

Mr. Lalchand Navarai: Thank you, Sir.

Now, Sir, I come to the question that this report should be considered and disposed of very early. This matter has already taken a long time and the employees are getting restless. If the employees feel that their grievances are reasonable and they deserve relief and then delays are made, naturally they look upon such an attitude as unfair. They get very much exercised over it and, as we have now been hearing, matters have come to such a pass that they had a meeting in Bombay and they are now proposing to have some strikes. I think, therefore, it would be wise on the part of the Railway Member to give his own opinion at once. In doing this there should be no difficulty. The report has now been discussed on the floor of the House and therefore it should be disposed of as early as possible. I would again urge upon the Communications Member that he should try his best to see that the relief is extended up to the pay of Rs 60 otherwise there will be trouble again over this dearness allowance. I hope the Honourable Member will accept the evidence which has been judicially found out to be the evidence on which the report is based.

Sir F. E. James (Madras European) Sir, before the Honourable the Communications Member intervenes, I should like to emphasise two points that have been made. But before doing so, perhaps I may say a word about my Honourable friend, Mr. Lalchand Navarai, who was instigated by his Leader to throw a direct challenge to us whether or not we accept the recommendations of the report. That is an entirely irrelevant question and directed to the wrong quarter. We are not responsible for this report and we are not responsible for the administration of the railways. If my Honourable friend wanted to get a Yes or No, he should have asked the Communications Member.

Mr. M. S. Aney: He has already got the reply from what the Honourable Member has been saying.

Sir F. E. James: There are some questions on which you cannot give a direct reply by saying Yes or No. Suppose I ask Mr. Lalchand Navarai if he has stopped beating his wife? If he says, Yes, he admits that he has done so, and if he says No, then his guilt is proved. But that is not meant seriously. The points are these. First of all, there is the question of the Bombay figures. The report recommends that the Central Government should make an inquiry into the basis on which these figures are

[Sir F E James]

calculated I should like to ask the Honourable Member whether Government have made up their minds as to whether they are going to conduct such an inquiry and what machinery they are going to use. I would like to take the opportunity of emphasising the importance of statistics in these matters. I know that in South India we had the greatest difficulty in regard to the calculation of dearness allowances in various areas on account of the lack of adequate figures for cost of living in certain districts and on account of the faulty method of preparing such statistics as were available. I am sorry the Honourable Member for Industries is not here, but there were rumours that legislation was projected dealing with the matter of statistics and giving Governments both at the Centre and in the Provinces, certain powers with regard to these matters. I would stress the vital importance of adequate statistics in dealing with matters of this complexity.

The second point I wish to make is this. My Honourable friend Mr Miller, has recommended that there should be a panel in existence from which persons may be chosen for membership of these Courts of Enquiry. I hope my Honourable friend the Communications Member will not shelter behind the provision of the Trade Disputes Act dealing with Courts of Enquiries. That provision lays down that such a court shall consist of an independent Chairman and such other independent persons as the appointing authority thinks fit. That is quite true. 'Independent' there does not mean independence of any direct knowledge of labour or industrial problems. I am not saying a word about the personnel of the court, but may I suggest that the practice which is followed in the United Kingdom should be looked into when Government deal with this matter. For there, there is a panel in existence of persons with direct knowledge of industry and labour from which the personnel of a Court of Enquiry or similar body is drawn. Therefore, I hope that on these two points, the Honourable Member for Communications will be able to give us some definite information.

The Honourable Sir Andrew GLOW (Member for Railways and Communications). Sir, I have listened with interest to the thoughtful criticisms on the report made by the first two speakers. I include Mr Joshi amongst its critics because although he has not, like Mr Miller, indicated where he thought the views in the report were open to question on the strength of an undercurrent which he detected but which I have failed to find, he obviously thought their finding was wrong. He went on, however, to say that Government must accept the views of the Court and apparently of all Courts of this type because they appointed them and because the Court consisted, as it certainly did consist on this occasion of experienced men who brought great care to their task. That was rather an astonishing proposition when at an earlier stage in his speech he did recognise that the Court, for reasons which I would not question for a moment, did not take into consideration certain factors which were reserved for Government to consider. I refer in particular to the factor of expenditure. The capacity to pay is obviously a very relevant matter in a question of this kind and one which cannot be considered by looking at railways in isolation. There is another factor alluded to by Mr Chaplin-Mortimer when he referred to the danger that certain sheltered trades would build up a standard which was out of consonance

with that prevailing outside the artificial shelter. That was not a point that was raised before the Court, but I think they would almost certainly have ruled it as outside the terms of reference and rightly so if it had been raised.

There are, in other words, considerations which Government must take into account in dealing with a report of this kind, considerations which the Court has regarded as outside its purview, but which it would recognise are completely relevant to the final decision. Surely, it is a little extraordinary to urge in one breath that Government should stand by everything that the Court of Enquiry says, when Mr Lalchand Navarai and Mr Joshi say at the same time that the workmen need not stand by them. Their argument is the Court has found that nothing should be given to those getting above Rs. 35, but we do not agree with that view nor should you. They cannot have it both ways. If reports of this kind are to be sacrosanct, that their recommendations cannot be varied they must be sacrosanct for both parties.

Mr. Lalchand Navarai: Not necessarily, we believe the evidence

The Honourable Sir Andrew Clow: But, unfortunately, there is no means available of enforcing the views of a Court of this kind on a large body of workmen who feel that they are mistaken.

Reference has been made by most of the speakers to the scantiness of evidence. Mr Miller, in particular, pointed that out and I do not think that Mr Lalchand Navarai, in stating it one good witness comes forward that is a sufficient basis, was on very strong grounds. I recognise that in civil courts if you have evidence, however scanty on one side, which appears to be uncontroverted, the Court has often no option but to accept that on the ground that rebutting evidence has not been produced. But I do not share Mr Lalchand Navarai's love of civil court methods and practice in dealing with a big question of this kind. It is a question not merely of economics but of human relationships. I will concede that for that scantiness of evidence we are perhaps in some degree to blame and we contemplate now taking steps to remedy the defects which the Court held. It is clear that they were hampered by the fact that over large areas of the line on which they conducted their investigations there was practically no evidence as regards movements in the cost of living. We contemplate setting up machinery of a more or less permanent character which will include persons who are experts in economic and statistical investigation.

I have myself felt that that is the sound method of laying a foundation for the future and I think it is a sounder method than having panels of Chairman who can conduct *ad hoc* investigations. These gentlemen, however eminent they may be, who are drawn away from other avocations from time to time to make investigations which have necessarily to be conducted fairly speedily and without all the examination of the background which they themselves would like, are handicapped, and while Courts of Enquiry serve a useful purpose in certain circumstances, I feel the House will agree that they are not the ideal method of reaching solutions on questions of this kind. I recognise that my Honourable friend, Sir Frederick James, was speaking with probably other forms of industrial dispute in view, particularly as he referred to industrial courts and

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other machinery in England, but that is a matter for my Honourable Colleague, the Labour Member, because of course the appointment of Courts of Enquiry is primarily the concern of the Labour Department and not of the Department which I represent

I wish that I were in a position to tell the House exactly where we stand in respect of this particular issue, but I think it would be unwise for me to do so, but I would tell them as far as I can what stage we have reached. We have been in consultation and in correspondence with the All-India Federation on the subject and we are at the moment awaiting some views from them. Discussions have been proceeding not exactly on the basis of the report and that I think, will indicate to Honourable Members that it does not necessarily involve the endorsement of everything in the report. But I do not think it would be fitting for me at this stage when the negotiations are incomplete to give to the House any indication of our actual views on the conclusions reached by Mr Justice Rau and his Colleagues. I feel sure that the European Group will be the first to recognise that if you can reach a solution by the methods of industrial negotiation that forms a sounder basis than a report on academic and economic lines whatever your views may be on the findings they have reached. We shall endeavour to keep the Standing Finance Committee in touch with any important changes in the situation and I ask the House to defer their conclusions on any decisions we may have reached to a later date.

Mr. M. S. Aney: Sir, may I ask one question? It may not be that the exact basis that is given here may have been accepted by Government, but is the trend of negotiations with a view to find out what would be the proper increase in certain cases?

The Honourable Sir Andrew Clow: I think the Honourable Member is entitled to draw whatever inferences will follow from the fact that we did make a provisional budget for war allowances.

Mr. C. O. Miller: Sir, I ask for leave of the House to withdraw this motion.

The motion was by leave of the Assembly withdrawn.

Policy of Selection for Certain Posts as obtains in Railway Administrations and Railway Board with Particular Reference to Medical Appointments

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) Sir, I move:

"That the demand under the head 'Railway Board' be reduced by Rs 100."

The object of this motion, as is clear from the agenda, is to discuss the policy of selection for certain posts as obtains in Railway Administrations and Railway Board with particular reference to medical appointments. Grave injustice is at times perpetrated on loyal and qualified employees, subordinates as well as officials, by higher authorities, not excluding the Railway Board. This is particularly in evidence when these promotions come under the category of selection posts. I do not mean

to suggest for a moment that there should be no selection at all. There may be a certain particularly senior man who has not the initiative or the qualities to satisfy a selection for a higher post, but in such cases the discovery of the lack of these qualifications on the part of the senior man concerned cannot be said to have arisen overnight. It must be possible for every fair-minded selection committee or officers who make such report to inform this man what he lacks so that he may improve himself and better his chances at any further selection. The object of this provision is to enable the defective senior hand to work out any defect, but by adopting this procedure of selection you will do him a service and will improve the efficiency of the administration as also of the subordinate. But this provision is honoured more in the breach than in the observance. The result is that the aggrieved subordinates make frequent appeals, and the outcome of that is that they earn the displeasure of their official.

Now Sir, I do not claim that any official is infallible, but I do state, without fear of contradiction, that one of the very important matters that railway officials observe is to keep up their *izzat* or official prestige. In all railway matters, I may explain, there are three sides to the picture, that is the official side, the subordinate side and the right side. In selection posts it is the same thing, and in what I am going to say I do not want to paint the sky white or to make the coffin look blacker. But I do hope that in making these observations I do perchance mention a name I shall not be adding one more nail in that coffin, and I want the Honourable Member to see that that is not done. Let me first take the case of a subordinate, a well known instance on the East Indian Railway, of a subordinate who had acted as a Traffic Inspector for years. He was even sent to the Traffic Training School at Chandausi and did excellent service there. But when a vacancy occurred he was considered unfit to officiate as a lower gazetted officer. It so happened that the Chief Operating Superintendent at that time, now happily not there, got very displeased with him over a certain incident that happened, may be in shikar or somewhere else and he entered something in his record of service to his detriment and then left the railway. That record has damned him for the rest of his life and today every successor in that post of Chief Operating Superintendent reads that and the man is still considered as unfit. That man was considered unfit even by an officer who a short while previously had testified to his efficiency. Therein comes this official *izzat* and prestige. This is not a case that I am making out, it is a case that the Railway Board can easily ascertain. This man has not only been refused his position as Traffic Inspector, he has been degraded further. The poignancy of the situation comes here. When his name was put up for selection as Traffic Inspector, which he had held for years before with credit, he was outclassed and considered unfit. Thus the man because he was pronounced in peculiar circumstances as unqualified,—wrongly I submit,—is now unfit for an Inspector's post, and no reason has been given to this man despite his frequent appeals and no defect has been pointed out to him. And even today the man does not know why he was disqualified.

Now, from the subordinate we go to the official grades. In the cases I have in mind,—I am sorry to make this distinction,—the senior officer

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concerned who was passed over was a Muhammadan, Hindu or an Anglo-Indian, and the junior who was preferred was an Englishman. I am not saying this with any desire to make an invidious distinction but that is a fact which is undeniable. The usual procedure in these cases has been to appoint a junior officer in an officiating capacity or vacancy, of course by selection, and then if a protest is made it is explained away verbally, and when the senior man submits a memorial to the Governor General, the reply given is that for appointment to officiating posts on any particular railway, seniority in the general cadre in the State Railway establishment is not given much weight, and that when the vacancy is permanently filled this consideration would arise. I refrain from indulging in any details but I am familiar with a particular case which came recently to my notice—by recently I mean within a year. That officer is still occupying a very high appointment on the railway. But I should like that the Railway Member will place on the table the file of demi-official correspondence that passed between him and the Agent concerned, whether that man is kept out of a job. They will not do it and they cannot do it. I will not talk any more about that.

I have not quoted, as I say, the exact words of the Government's decision in all these cases which have occurred, but there is no doubt that Government do resort to this method of doing these things. I submit, it should not be necessary for an officer to submit any protest when he has been superseded. I claim the privilege of knowing very many railway officials whom I count as my friends and who have the highest sense of honour, and I say that if a particular official, though senior in service, felt that he had not any reasonable claim for promotion he would not himself protest against such supersession. Indeed in two cases I have in mind the Government of India rectified the error as a result of the protest submitted, which only goes to substantiate my statement.

I would like to know how selection is made. How is the selection made? The procedure is interesting. Sometimes it is by seniority of service, sometimes accumulation of war service is put on record and his record as a war officer is added on to the civilian record, at times, it is grade of salary, at other times it is other qualifications. Sometimes it is the blue-eyed, only-headed flaxen-hair lad who is your man. How is this selection made? When a vacancy occurs, for instance, in the post of Chief Medical Officer on one of the State Railways, is a Selection Board formed for the purpose? If so, who constitutes this Board? Being a professional appointment, is a professional expert, uninfluenced by railway interests, invited to serve on that Board to decide from the professional point of view as to the man's suitability and the ability of the candidate who appear for selection? What are the materials that are placed before the Board in respect of each candidate who may come from different corners of the country, say, for one appointment? If it is done by a process of elimination from a list of all eligible candidates what are the standards prescribed for such elimination? Are the reasons for such elimination communicated to the persons concerned so as to enable them to improve themselves in those respects in which they are said to be deficient? Considering the fact that for such posts of heads of departments in various railways persons are selected from a combined list of State Railway officers, are there any standards prescribed by the Railway Board to guide

General Managers in recommending the various candidates' I know, for instance, in some cases seniority in service is taken as the main consideration for recommendation. In others, the salary of the officials concerned is taken into consideration, and on this ground a person who happened to join the Railway earlier than the generous revision in salary which took place in 1921 may appear junior to another who joined later. Others still are selected on the basis of the higher qualification of the individual concerned and efficiency in the districts. For the post of Chief Medical Officer of a State Railway, I know for instance, that every District Medical Officer of the State Railway Medical Cadre is eligible to be considered for promotion, provided he holds the D P H degree. If, therefore, a senior and well reported District Medical Officer, holding the D P H degree, who has not had a blot against him, is overlooked, there must be a definite reason why a junior man was picked even for an officiating appointment. But strangely enough, in a recent case the Government stated that they did not see any reason why the senior man should be preferred to the junior man. I would say, he should be preferred, firstly, because he is senior, secondly because he has higher qualifications than the others, thirdly, because he possesses the D P H degree even though it be an Indian degree, fourthly, because he has not had any hint that he was anything but an efficient officer from both the administrative and the professional standpoints, and lastly, because he was not told that any other qualification was needed of him to qualify him for the post of Chief Medical Officer which is his reward for his loyal and efficient service.

In conclusion, I am not attempting to influence this House to decide any particular case, but my object is to show that by this method of selection grave injustice is committed to the detriment of the interests of the officers affected, as also of the administration concerned. Such officers and subordinates become dissatisfied, whereas if they were informed of the actual defect in their work then and there, they would have no cause for complaint. In view of the fact that there is a rule to the effect that all adverse confidentialials should be communicated to the official or subordinate concerned when one is superseded for no substantial reason, one feels that he has been unjustly dealt with either on account of prejudice against himself or as a result of favouritism or nepotism.

Sir, I have no nephew whose case I am trying to bolster up. When the case of an official is brought up, the Railway Board rejects it. In the case of the medical officer I have referred to, whose name is presented and highly recommended by the Agent, what does that Agent know about that medical officer? He knows about his Transportation Officer, the Chief Mechanical Engineer knows about his engineering staff, the Electrical Engineer knows about his electrical staff, but what do all these know about a doctor? Sweet all. Yet his name is sent up. Suppose there are three names sent up by the Agents to the Railway Board. What does the Railway Board know about it?

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up.

Lieut.-Colonel Sir Henry Gidney: It knows nothing. The result is that junior men have been selected for no reasons, and that is where the

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selection falls, and that is where the flood gates of nepotism are opened, and it creeps in and it creeps in to such an extent as to make the selection a farce

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member's time is up

Cut motion moved

'That the demand under the head 'Railway Board' be reduced by Rs 100'

The Honourable Sir Andrew Clow Sir in much of the speech of my Honourable friend, Sir Henry Gidney, he was talking in parables which were obscure even to me. In only one case was I able to follow him because he was clearly alluding to a case which has received my personal consideration. I am, therefore, at a loss in dealing with the general question of selection. He appeared to be alluding in the first instance to the case of a subordinate of which I had never heard until this morning and with which I am entirely unfamiliar.

Lieut.-Colonel Sir Henry Gidney I gave you deputy the name yesterday

The Honourable Sir Andrew Clow. As I say, I did not hear it till this morning and I am entirely unfamiliar with the case. But my experience now runs over some time and it does not bear out his suggestion that a single unfavourable remark in an officer's character roll either debars him from promotion or results later in his degradation as was suggested in this case. So far from officers tending to accept blindly the views of their predecessors, I think it is rather a human failing to believe that one is a little wiser than one's predecessor and to feel that if one's predecessor has passed over or treated severely a particular man, one should bring an independent judgment to the case with perhaps a little bias in favour of the man who has been, as one is apt to suspect, rather unfairly treated.

Mr. Lalchand Navalrai: Are you reading your own mind?

The Honourable Sir Andrew Clow I think it is a very general human failing. I do not think I am the only one who suffers from that weakness.

Actually I think the cases in which we proceed by seniority and the cases in which we proceed by selection are fairly well demarcated and known to most railway officials. The complaint I have generally heard has not been that there is any dubiety on that point, but that methods of calculating seniority are apt to vary. As Sir Henry Gidney recognised, the combination, for example, in one Railway of officers who began under a Company and officers who began under the State, or the combination of officers drawing one scale of pay with officers drawing a different scale of pay for the same type of work, does raise difficulties in assigning seniority, but the ordinary rules are quite simple. Where we proceed to promote by seniority the senior man, if he is competent to fill the higher post, is promoted, even though there may be better men below him. If he is not promoted, then it is definitely supersession and he is in a position to make a representation on that point. Where, however, we promote by selection,—and this

applies particularly to higher posts such as that of the head of a department, to which Sir Henry Gidney referred, we do not regard seniority normally, except where there is otherwise difficulty in deciding between the merits of the officers. It follows, therefore, that an officer who is not selected for a post of that nature is not superseded in the same sense as an officer who has failed to rise out of a grade from which promotion is by seniority. It does not mean even that he is unfit for the higher post. It does not even mean that it is any blot on his scutcheon, it does not necessarily mean that he has committed any faults in his career. He may be entirely fit and competent for the higher post, but you may select another man because you regard him as the better official in the circumstances. I think there is a common delusion among officers that if, when they are senior to their fellows they are not selected, they have been found unfit in their existing post or the selecting authority is satisfied that they are incompetent to go higher. It is not a fair deduction. It is true in some cases, it is untrue in others. I have known quite a number of cases where a junior officer got a post and where later, on another vacancy occurring, his senior who had failed to obtain the post on the first occasion got the post on the second occasion, so that there was no question of his having been regarded as unfit to hold it.

Then, Sir Henry Gidney referred to the special case of a particular medical officer which is well-known to me as I think I have studied all the papers on the case and brought the best judgment I could to bear upon it. He said—what do other officers know of the qualifications of a medical officer to hold a certain appointment? Well, I admit then knowledge is not complete, but it does go a very long way indeed. I think there is hardly a person in this House who would not be able to say whether a particular doctor had treated him better than another doctor or whether he had more confidence in this man than in the other. I am not sure that patients would not be able to judge of a doctor's qualifications better than the College of Surgeons. But when you are dealing with an appointment like that of a Chief Medical Officer, it has to be remembered that you are dealing with an appointment which is not merely medical, you are dealing with an appointment which is administrative.

Lieut.-Colonel Sir Henry Gidney: You mean medically administrative?

The Honourable Sir Andrew Clow: If I followed to its logical conclusion Sir Henry Gidney's dictum, it would obviously be impossible for any General Manager to make selections which in any way differed from the heads of the technical departments. It would be quite incompetent, if he was an engineer, to say I want this or that man as Traffic Superintendent, he would have to sign on the dotted line below the view of any traffic officers there happened to be in his railway. It would be completely incompetent for me, for example, to select any officer for an appointment on the Railway Board as all the officers there possess technical qualifications and are drawn from the specialised branches of the service.

Lieut.-Colonel Sir Henry Gidney: You are advised by your technical experts.

The Honourable Sir Andrew Clow: Yes, and I can assure my friend that in this case too I did not come to the conclusion I did when this

[Sir Andrew Clow]

officer's case came before me without advice from the medical side. Obviously, it is not for me to disclose that advice, but I can assure him that the conclusions which we reached were based both on medical advice and advice from administrative officers who were familiar with the merits of the man. We simply cannot in cases like this exclude officers who may not be doctors from coming to conclusions as to the suitability of a particular officer for a high administrative appointment. In the medical sphere or in any other sphere, you have got to form judgment based on the facts before you. You will be guided by the merits of the officers through records, you will be guided by reports on their personality, on their energy and of their administrative capacity, you will be guided by reports of their respective medical qualifications and by the views of those best acquainted with their capabilities and best able to form a judgment as to how they will serve in the rather difficult duties which are involved in a high administrative post. I can only say that in the case on which Sir Henry Gidney laid stress, I am satisfied to the best of my belief and ability that the choice made was the best we could make.

Lieut.-Colonel Sir Henry Gidney: May I ask the Honourable Member, in view of what he has said, whether in such matters of selecting professional men, he would be prepared to place such cases before the Public Service Commission? That would certainly be one way of getting a really good, unbiased and scientific opinion.

The Honourable Sir Andrew Clow: No, Sir, I am not prepared to submit such things to the Public Service Commission, and I am sure that the Honourable Member did not mean to imply that while the Public Service Commission is unbiased, I am biased.

Lieut. Colonel Sir Henry Gidney: I did not mean that you are biased.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish me to put this motion to the vote?

Lieut.-Colonel Sir Henry Gidney: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The question is.

"That the demand under the head 'Railway Board' be reduced by Rs 100."

The motion was negatived.

Lieut.-Colonel Sir Henry Gidney: I have got one more motion, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Which one is that?

Lieut.-Colonel Sir Henry Gidney: No 30

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Mr. President (The Honourable Sir Abdur Rahim): It is time allotted to European Group. If the European Group really mean that he is speaking on their behalf, then the Chair will allow him. The Chair wants to know if the European Group want this motion to be moved, No 30?

Mr. L. C. Buss: No, Sir, not on behalf of the Group

Mr. President (The Honourable Sir Abdur Rahim) Then, .

Lieut.-Colonel Sir Henry Gidney: If that is so, I would like to know whether I should sit in this seat or leave it and the Group

Mr. President (The Honourable Sir Abdur Rahim) The Chair does not know what the Honourable Member means. The time is allotted to the European Group. If the European Group want this motion to be moved, No 30, or any other motion, they are entitled to do so, and not otherwise.

Lieut.-Colonel Sir Henry Gidney: I am very sorry to stress my views again, I apologise, but will the Leader of the Group definitely say whether he has any objection to my moving it?

Mr. L. C. Buss: We have no objection to this motion being moved, but it will not be moved on behalf of the Group.

Mr. President (The Honourable Sir Abdur Rahim) That is the point, otherwise the rest of the time goes to the unattached Members.

Mr. N. M. Joshi: May I suggest, Sir, that we adjourn now and meet after lunch?

Mr. President (The Honourable Sir Abdur Rahim) If that is the desire of the House, The Chair will do so.

Some Honourable Members: Yes, yes

Sir F. E. James: Sir, it has in the past been the practice, which has been accepted by you on previous occasions, for the European Group, when it has not exhausted its time, to be willing, with your consent, and with the consent of the other Members of the House, for any part of the time which is remaining, to be taken up by Sir Henry Gidney who sits with us for the discussion of his grievances.

Mr. President (The Honourable Sir Abdur Rahim) Yes, that is exactly what the Chair wants. If the European Group desire that this should be moved by Sir Henry Gidney as a Member of the European Group, that is another matter.

Sir F. E. James: That is the position, Sir, but it is not to be understood that this is a Group motion. That is the point.

Mr. President (The Honourable Sir Abdur Rahim) The Chair does not know the difference.

Lieut.-Colonel Sir Henry Gidney: Sir, I know of one member who once moved a motion on which the European Group had not agreed.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member will see that all these motions stand in his name alone and not

[Mr President]

on behalf of any members of the Group. But if the European Group allows him to move them as a member of that Group, that is another matter.

Lieut.-Colonel Sir Henry Gidney: That is the position.

Mr. President (The Honourable Sir Abdur Rahim) What is the position?

Mr. L. C. Buss: I am not quite clear as to where this discussion is leading, but we certainly have no objection to Sir Henry Gidney moving this motion as a Member of the Group.

Mr. President (The Honourable Sir Abdur Rahim) All right then.

Lieut.-Colonel Sir Henry Gidney: I won't be very long.

Mr. President (The Honourable Sir Abdur Rahim) There is not much use moving unless the Honourable Member allows the Member in charge time to enable him to reply.

Mr. M. S. Aney: He does not want a reply. He only wants to ventilate his grievance.

The Control of the Railway Board and Communications Member over Company-managed Railways with Special Reference to the South Indian Railway

Lieut.-Colonel Sir Henry Gidney: Mr. National Congress, speak for yourself! The next motion I shall move is No. 30. I beg to move.

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

My Honourable friend is very familiar with the case, because I have already discussed this in *extenso*. The details of this case are well known to the Honourable the Communications Member. The Communications Member, in his reply to the general discussion, said that he could not interfere with a Company-managed railway. As all the details are known to him, there is no necessity for me to repeat them, but I wish to give the Honourable Member an opportunity to tell me and to other Honourable Members of this House whether, in fact, he means, as the representative of the Government of India and as the Government of India's representative of the Secretary of State, he has no power to interfere in the administration of a Company-managed railway when there is such a serious dereliction of duty as to endanger the safety of the public, which, after all, is the concern of the Member in charge? Here is an instance in which a man has been appointed who is absolutely unqualified from the medical point of view to occupy this post. It is not the Railway, it is not the Agent, it is not the Home Board, it is not the Chief Medical Officer and the Railway Board that have given opinions in support of him. Despite this a medical man who is a misfit as a District Medical Officer has now been pronounced as fit to be the Chief Medical Officer. I do not want to prolong the point. I just want a reply from the Honourable Member whether he agrees with this, or whether he is prepared to take action, and I know some members of the

Group too agree with me in this most extraordinary case of gross injustice to a Britisher—not an Anglo-Indian, mind you, but a Britisher,—who, because he took the right action, because he exposed the railway, has been dismissed. We are given the vote, we are denied the voice. Here is a British officer who is a senior member thrown into the streets unemployed, simply because he exposed the conspiracy on the part of the Home Board to appoint a man who would never be accepted on any State Railway. If the Honourable Member will tell me that he would accept a man like that as the Chief Medical Officer of a State Railway, I will sit down and say no other word. But when you have a Board, 7,000 miles away, disregarding all the elements of justice and qualification, and appointing a misfit to this post, it is high time that the Government of India took some notice. Indeed, if I had power here and I had those benches full, I should have asked the House to move a Resolution to terminate the contract of the South Indian Railway. That is the only punishment which you can inflict on a railway which so unfairly and so shame-facedly goes against the rules which must govern the administration of every railway.

Mr. President (The Honourable Sir Abdur Rahim) Cut motion moved

"That the demand under the head 'Railway Board' be reduced by Rs 100 "

The Honourable Sir Andrew Clow. I am sorry that my Honourable friend, Sir Henry Gidney, has felt obliged to raise this case again. He is fully familiar with the facts and I think I know most of them, and I believe they are familiar to most Members of the House. He has put to me some questions which I can only describe as hypothetical. He asked me if I was prepared to take action in a case where the safety of the public was in danger. That is a hypothetical case. I must make it quite clear that, in my opinion, that issue does not arise at all in the present case.

Regarding the merits of an appointment there can be two opinions. I can only say, having, in this case also, taken high medical advice, I am advised that it is not correct to say that the man is unqualified for the post he holds. That being the case, there is no ground for any interference nor would I be entitled to interfere in any way. Sir Henry Gidney suggested that the remedy lay in cancelling the contract. As I have indicated, I am not prepared to accept his view of the facts, and even if I were, such a resolution as he suggests, would, I would gently suggest to him, be rather a futile procedure.

Lieut.-Colonel Sir Henry Gidney: May be

The Honourable Sir Andrew Clow: The Company has done nothing which would justify cancellation of their contract.

Lieut.-Colonel Sir Henry Gidney: Yet you demand, D P H qualification for every one of your men!

The Honourable Sir Andrew Clow: and no question that would warrant even a consideration of that question has, in my view, arisen.

Lieut.-Colonel Sir Henry Gidney: Then abolish the Railway Board

Mr. President (The Honourable Sir Abdur Rahim) The question is "That the demand under the head 'Railway Board' be reduced by Rs 100" The motion was negatived

Lieut.-Colonel Sir Henry Gidney. The next motion that I move is

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member will have to ask again the Leader of the European Group whether it is the wish of the Group that he should move it as a Member of the Group?

Mr. L. C. Buss. We have no objection to this being moved by the Honourable Member as a Member of the European Group

Mr. President (The Honourable Sir Abdur Rahim) Very well

Lieut.-Colonel Sir Henry Gidney: I thank you for your ruling on this matter I shall not forget it

Mr. President (The Honourable Sir Abdur Rahim) What is the ruling that the Honourable Member is referring to?

Lieut.-Colonel Sir Henry Gidney: That I have taken the permission of my Group to move the other amendments

Mr. President (The Honourable Sir Abdur Rahim) Yes, the Chair simply wanted to know There is no question of ruling at all The Chair simply wanted to know whether the Honourable Member was speaking as a member of the Group or not The arrangement was that the European Group would take up this morning for its motions

Policy governing the alteration of date of birth of Railway Employees

Lieut.-Colonel Sir Henry Gidney. I thought you had already agreed upon that Now you have asked for an amplification of it The next motion which I beg to move is No 31

"That the demand under the head 'Railway Board' be reduced by Rs 100"

I shall say a few words on this The Honourable Member and I have discussed this matter, and so the members of the Railway Board

Sir, the present policy of the Railway Board in regard to the correction of errors in the age as entered in the service register of a railway employee, particularly a subordinate, presumes the infallibility of a human being In 1934, in reply to a definite question from a Member of the Council of State, the Chief Commissioner of Railways stated

"If an employee can prove that he is younger than shown in his service sheet, he automatically gets an extension of service"

Then, there was only the question of the kind of proof which could be accepted But today, however, it appears the Railway Board has changed this policy, although this change of policy seems to affect only subordinates I cannot understand the reasons which led to this change in policy.

I would like to know why it was found necessary to issue orders which are so directly contrary to the assurance given by a Senior Member of the Government after due consideration of all the issues involved—one no less than Sir Guthrie Russell who had been Chief Commissioner for Railways for years. I submit if assurances given by representatives of the Government can so easily be broken by the Government, this House will be at a very great disadvantage indeed. If it is suggested that the policy was changed because there was misuse of the privilege, I would like to remind the Government that the orders vested the final decision in the Agent, any allegation of that sort will, therefore, amount to a reflection on the Agents concerned. Incidentally, I may say that the Railway Board have declined to supply me with a copy of the order.

Apart from this general review of the position in regard to the policy governing these orders, let me refer to a particular Railway and the adverse manner in which these orders are applied contrary to the letter and spirit of those orders. Although the Railway Board have declined to furnish me with a copy of the order in question—and let me again express my surprise—I have been privileged to see a copy of the circular which the General Manager of the E I Railway issued on the 14th February, 1939, no doubt conveying the revised orders of the Railway Board. On perusing the circular, I could quite understand why the Railway Board declined to send me a copy of their orders. For, whereas the Railway Board stated in reply to my representation that the "age of Railway servants as recorded at the time of their entry into service should not be altered unless it comes to light that the employee has obtained an advantage by a false declaration of his age as recorded, in which case he should be deprived of such advantage, or in the case of illiterate employees, it is proved that a clerical error has been made", the General Manager's circular states that "in the case of staff in the service of the Railway prior to the date of issue of the circular", the policy envisaged by the Chief Commissioner for Railways on the floor of the Council of State still held good. This is as it should be, and unless it is suggested that the General Manager of the East Indian Railway was wrong in issuing this circular, that policy should be observed in letter and in spirit. I am in a quagmire of doubt and uncertainty now—a-days in regard to the stability of Government policies and orders. They seem to be framed and issued without any thought, and easily revised regardless of the rights and interests of those affected. As I have not yet received any contradiction of these orders issued by the E I Railway, I presume they are still effective.

On this presumption, I would like to illustrate how injustices are perpetrated on subordinates by officialdom. A Mr V H Barrett, Station Master, E I R, Sahébgunge, had through a genuine error given his date of birth as 15th November, 1883, at the time of his appointment to the Railway in 1911. I may immediately point out that he did not stand to gain nor did he gain any advantage by giving his age as 25 years 11 months, at the time of appointment, nor would he have lost the appointment had he given the correct age of which he came to know just two years ago. The genuineness of the error was also obvious from the fact that although he executed a fresh agreement in 1929, he did not take the opportunity to alter the date of his birth. Again, if Mr Barrett is alleged to have submitted a false claim, with a view only to getting an extension of service, just a few years before he is about to retire after remaining quiet all these

[Lieut.-Colonel Sir Henry Gidney]

years, I would rebut such allegation by again pointing out that (a) he did not stand to gain anything by putting himself down as more aged than he actually was at the time of entering service and (b) he could have submitted the appeal prior to the issue of the revised order in 1939. In 1939, he casually came to know of how he was brought up from a very tender age by his relations, and how by a mere accident he discovered that he was in Hyderabad and baptised in a particular Church. It was then that he wrote for a copy of his baptism certificate which showed him his actual age.

Mr. President (The Honourable Sir Abdul Rahim) It is now Quarter past One.

Lieut.-Colonel Sir Henry Gidney. I shall finish soon. If an application submitted in these circumstances is not entertained in the face of the orders contained in the General Manager's circular of 14th February, 1939, then, with all respect to the authorities, I venture to submit that that circular ought not to have been on official record. It is stated therein, for instance

"The General Manager in deciding the question of the alteration of the date of birth as recorded in the service agreement, should 'take into consideration the merits of each case'. The circular adds 'Sufficient proof must be produced to establish that the wrong age or date of birth was originally given through a genuine error'."

Mr. President (The Honourable Sir Abdul Rahim) The Chair cannot put this motion to the House. There is no time to reply.

Lieut.-Colonel Sir Henry Gidney: I do not want a reply. I am fully convinced that here again it is the *izzat* of the junior official who wrongly turned down the appeal acting for the General Manager that has stood in the way of the General Manager acting on his circular. It was also suggested that Mr. Barrett's appeal was not admitted because the administration feared that there would be many more such appeals. I submit justice should be rendered irrespective of the cost and trouble involved, otherwise, justice loses its high place in man's estimation.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. M. S. Aney, one of the Panel of Chairmen, in the Chair.

Grievances of Railway Workers

Mr. N. M. Joshi: Mr. Chairman, I move

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Sir, before I begin to bring forward the grievances which I want to place before this House today, I would like to say a word to congratulate the Honourable the Communications Member upon his re-asserting the sound principle that promotions in railway service cannot be made on communal or racial grounds. When I state that, it does not mean that if any community, including the Muslim community, has a grievance that

certain employees or certain Muslim employees of the Government of India have not been done justice to, their grievances should not be considered. But I hold that it would be wrong for the Government of India to adopt the principle that promotions within the service should be made on racial or communal grounds. I hope, Sir, that the Muslim Members of this House will admit that it will be not in the interest even of their own community if promotions are going to be made on communal or racial grounds. If they accept the principle that promotions should not be made on racial or communal grounds, I think this House will sympathise with them if they can bring forward cases where Muslim employees were not given justice to in the matter of promotions.

Now, the second point on which I would like to say a word or two is the question of a provident fund for the low-paid employees of Indian Railways. Last year the Honourable the Communications Member was good enough to set apart a certain sum to enable him to make a beginning so as to include low-paid employees in the scheme of the railway provident fund. Sir, I learn that the method by which the Honourable the Communications Member is now implementing his promise of last year is that low-paid employees who have put in sixteen years' service will be brought under the scheme of the provident fund on a voluntary basis. I feel, Sir, in the first place that, as Railways have made large profits and the prosperity of the Railways will continue for some years, the Honourable the Communications Member should have extended his scheme and spent more money upon bringing into the scheme of the railway provident fund the low-paid employees immediately and brought them under the compulsory scheme and not on a voluntary basis. Sir, if the Railways are making profits, I think the claims of the low-paid employees should be considered first. The Honourable the Railway Member has become very solicitous about the general taxpayer, I do not wish to discuss the question whether the general taxpayer should be benefited or not out of the profits of the railway earnings. I myself feel that no one would like that the Railways should make a loss, but in my judgment it is wrong that we should make profits out of a public utility service as it is not a very good method of taxation. I do not wish to discuss that question but I would like to urge upon the Railway Member that he should bring into the scheme of the Railway Provident Fund all the low-paid employees, and that too on a compulsory basis and not on a voluntary basis. I hope, Sir, he will do that immediately.

Then, Sir the second point on which I would like to say a word is the question of the employees of the dismantled Railways. We have heard a good deal about the dismantled Railways—why dismantling was necessary I am not discussing that question—but I would like the Railway Member to tell the House how he has been providing for those employees who were serving on the dismantled Railways. I hope, Sir, these employees have not suffered on account of dismantling. Then the other point on which I would like to say a word is the annual report on the working of the Hours of Employment Regulations recently published. In this matter I would like, in the first place, to congratulate the Government of India upon their having adopted one or two suggestions of mine. In the first place, I have been insisting that the Supervisor of Railway Labour should not be under the Railway Board. That Supervisor was, I think, two or three years ago placed under the Labour Department. That was a

[Mr N M Joshi]

reform. Then I also suggested that the officer who is to supervise the Hours of Work Regulations and the other regulations under the Indian Railways Act should not belong to the railway service. I had suggested that he should belong to the Indian Civil Service. That suggestion of mine has also been now accepted and I congratulate the Government of India upon that fact and even upon the selection which they have made. His report is one which on account of these reforms is a much better report than the report that I used to see before. In any case Mr Khaleeli, the gentleman in charge, has shown courage to criticize the Railway Administration, as I had expected that an independent officer not belonging to the Railway Department would do. He has suggested certain improvements. He has said that in certain cases the Railway Departments have been very slow in accepting his suggestions. I think this freshness of mind has been very useful. But I would like the Honourable the Communications Member to assure this House that the suggestions made by this officer, who is the Supervisor of Railway Labour as well as the conciliator, will be considered seriously and will be given effect to. After all, the Government of India is a unitary Government and when one Department says that the Railway Administration was slow in accepting the recommendations of the officer in question, it does not do much credit to the Government of India. Secondly, I would like the Railway Board and the Railway Department to tell the House what action they had taken on the report made by the Supervisor of Railway Labour.

Then, Sir, I would like to make a suggestion that a large number of railway employees are still out of the scope of the hours of work Convention and the Convention regarding the weekly rest. I would like the Government of India now to take steps to bring all the railway labour under these regulations. It is true that they had taken the power to apply the Convention only to certain classes of railway employees but they have been doing that now for a number of years. It is more than 20 years since the Convention was passed and it is also many years since the Government of India accepted the responsibility of applying the Convention. It is now time that they should regulate the hours of work for all railway employees and not only of certain sections of the railway employees. Similarly, they should give all railway employees the benefit of 24 hours weekly rest. After all, a day of rest in a week is not a very big concession. If the Honourable Member himself does not get a day's rest in the week, I am quite sure he will himself feel the necessity for it. As a matter of fact, even in the case of those employees to whom the weekly rest day convention applies, the number who get the benefit is extremely small. On page 9 of the report we find that less than 30 per cent of the employees to whom the regulations apply get the benefit of the weekly rest day convention. The highest percentage is 28. I think it is time the Government of India took steps to improve this situation. Then, I would like to make one suggestion to the Honourable Member in charge of the Department of labour. The officer who is at present in charge of these questions seems to be a competent officer and in my judgment, if I may say so, he has done his work well. But I would like the Honourable the Labour Member to appoint a very senior officer to this post when the next opportunity comes. After all, if you want the officer to carry weight with the General Managers of Indian Railways, he must be a senior officer. It does not mean at all that Mr Khaleeli is not doing his

work well and has not done his work well I think he has done his work very well and I congratulate the Honourable Member in charge of the Department for the appointment he has made But a junior officer has his difficulties and I would, therefore, suggest that for this post a very senior officer should be appointed

Then, Sir, there are some grievances of the railway employees to which I would now turn attention Yesterday, I am told, my friend, Mr Lalchand Navalrai, placed before the House the grievances of guards of First and Second grades, that the number of the Fourth grade was abolished and the number of the Third grade guards is also reduced

Mr. Chairman (Mr M S Aney) That question was discussed yesterday

Mr. N. M. Joshi. I am not discussing that question now at all but I would simply request the Honourable Member to take the suggestion of my friend, Mr Lalchand Navalrai, into serious consideration and remove the grievances Last year I had placed before the Communications Member the grievances of some of the firemen of the North Western Railway They are not being promoted and, although they are literate and some of them are educated up to the Matriculation standard, still they do not get adequate promotion Their grievance is that men are taken from outside and those who are already in service do not, therefore, get sufficient chance

Mr. Chairman (Mr M S Aney) The Honourable Member's time is up

Mr. N. M. Joshi. Well, Sir, there is only a minute which I would take and would like to finish my remarks very soon

Then, there are some grievances of A and B grade firemen in the Jhansi division They have got a number of grievances and I shall not place all of them before the House I would suggest to the Honourable the Railway Member to take their grievances into consideration One of their grievances is that A and B grade firemen are asked to work temporarily as drivers without any promotion Some of these firemen have been working as temporary drivers for a number of years Some of them are temporary drivers for six years and on account of that fact they are placed in a disadvantage Their promotions are held up They also complain that they do not get more than eight hours' rest at what are called home stations I would like the Railway Member to look into the grievances of these firemen and drivers in the Jhansi division

Then, Sir, I will mention only one more grievance and that comes from the typists on the Great Indian Peninsula Railway These typists belong to the same class as the clerks, but the clerks are given better scales of pay than these typists The complaint of these typists is that their scale of pay is not adequate and, therefore, they should get a better scale of pay There are some clerks on the Great Indian Peninsula Railway who were recruited as clerks but were afterwards transferred for the convenience of the administration to typists' jobs After being transferred to the typists' jobs, which was done for the convenience of the administration, they are being treated as typists, who get less advantageous scales of pay I would like the Honourable the Railway Member to look into this grievance of the typists on the Great Indian Peninsula Railway I have nothing more to say except that I hope the Honourable the Communications Member will accept my suggestions,

Mr. Chairman (Mr M S Aney) Cut motion moved

"That the demand under the head 'Railway Board' be reduced by Rs 100"

Mr. Lalchand Navalrai: Sir, Mr Joshi, in concluding his speech, said that he had small grievances to refer to, and perhaps he is under the impression that the grievance of the Loco Running Staff with respect to the firemen is a small one. But I should say that it is not a small grievance at all. Their grievance has remained unredressed for a very long time. I remember that the first gentleman who, along with Mr Joshi, championed the cause of these firemen was the late Honourable Lala Shamlal of the Congress Party. He pleaded for the redress of these men, but no redress has yet been given. Now, Sir, without taking any further time on this prelude, I would submit that there are four grades of firemen. Grade IV is exclusively reserved for Europeans and Anglo-Indians. Grade III is restricted to literates who are matriculates, grade II is restricted to literates and grade I is open to illiterate labour. So far as grade IV is concerned, I do not see why it should remain the exclusive privilege of Europeans and Anglo-Indians to fill this grade. By this time we do see that Indian drivers also have become very competent, and they have been doing their work very efficiently and driving engines properly and safely. I would, therefore, submit that this grade IV should not remain exclusively for these men and this should be revised. In other words, I submit that these grades require revision, and the position has remained the same for a very long time past with the grievances that have been brought to the notice of the Government from time to time. Therefore, it is high time that these grades are revised, and they are brought to a level where there should be equality and also fairness to all of them.

Now, considering the question of grade III, they are reserved for matriculates who are directly recruited. The Honourable Member knows that even in grade II there are at present some matriculates, and they are exclusively kept in grade II only without any chance of promotion to grade III. There is no provision for taking these matriculates of grade II into grade III, because the latter class is directly recruited, and no promotions are allowed from the lower grade. I cannot understand this. Instead of rotting in grade II, they should also be promoted to grade III. Wherever the Government have found it necessary to have recourse to direct recruitment, they have fixed a ratio for promotion from the lower grade to higher grade and a certain other ratio for direct recruitment. In that manner there is no provision here. At present there are several matriculates who are in grade II and who are not being promoted to grade III. This is a grievance which the grade II people are feeling which should be considered sympathetically. Naturally they feel this keenly, because they have the same qualifications as grade III people.

Now, coming to the question of grade II and grade I, there also grade II firemen have great grievance. Grade II firemen get a pay of eleven annas to fourteen annas a day, whereas, grade I firemen get 8½ annas to 11 annas a day. There is a difference between the allowances they get. But grade I and grade II are joint for the purpose of seniority and promotion. One cannot possibly understand that when the two higher grades—grade III and grade IV—are exclusively reserved for matriculates and Europeans and Anglo-Indians, respectively, there is no reason why the two lower grades, I and II, should remain joint for the purpose of promotion. In view of this, the promotion of grade II firemen to the post of shunter

is impeded by a fireman in grade I because the latter happens to be senior. In grade I, there are several illiterate men and they have entered earlier than those in grade II. By reason of the fact that they have entered earlier, though they are illiterate, yet they get seniority over grade II firemen for getting the post of shunter. This is not fair. This is injustice.

There is another anomaly. A shunter who is promoted from grade II gets 15 annas to Rs. 1-1-0 a day, whereas a shunter who is promoted from grade I gets 13 annas to 15 annas a day. There is a difference in pay also. They say that the list of shunters of both grades of firemen is one. If there is a place of shunter which is to be filled by seniority, it must go to a grade I fireman, because there are many seniors there, as they have joined the service earlier, and when it goes to a grade I man, he gets the place of a shunter, but with the lower pay that has been fixed for shunters in grade I. I see no reason why this should be continued. Grade II firemen, although they get more pay than grade I, do not reach the position of shunters, and they are superseded by grade I firemen. This point also the Honourable Member should consider. This is causing great jealousy amongst them. Why should not this be removed? Their grievances have been recognised long ago. Why should it be that these two grades should remain joint for the purpose of promotion to shunters' grade? Why should it be that they should remain joint for seniority purposes? These grievances also were recognised by the General Managers, and they, therefore, laid down that it should be fifty-fifty. If the grades were not going to be separated and made on the same basis as grades III and IV, then at least this concession should be made that some posts should be exclusively reserved for grade II people, and some others for grade I people. That is the only equitable course. What happened? After only six months, that arrangement also has been done away with. Now, they are left again in the same position in which they are now. I, therefore, submit that there is no reason why they should not get at least fifty-fifty, so that they may feel satisfied, and justice will be done to them.

Then, Sir, I say that we suggest that these illiterate persons should not be allowed to drive trains, especially mail trains. If this suggestion is accepted, there will be safety and also economy. They will see to everything, they will see that the consumption of fuel is lessened. Repairs also will be attended to by them, and there will be punctuality and more efficiency. Sir, I support this motion.

The Honourable Sir Andrew Olow: Sir, I am sorry to have to dis-
 3 P M appoint my Honourable friend, Mr. Lalchand Navalrai, but I confess that my mind is completely fogged by his elaborate disquisition on grades, provisions and rules which, I admit frankly, are unknown to me. He gave me no previous notice that he was going to raise this issue and I should have to have an encyclopaedic mind if I could carry in my head the particulars or the reasons for grading or for promotions of various kinds. I shall read the Honourable Member's speech later and try to understand it, but I cannot promise that even with all his eloquence there will be any concessions in that direction. Mr. Joshi added to the points of which he had kindly given me notice some other points at the end of his speech and these also related to various grades. But as the grade began on the North Western Railway and seemed to end on the Jhansi Division, I confess I was equally confused in his case because the

[Sir Andrew Clow]

Jhansi Division is on the Great Indian Peninsula Railway. If he was alluding to posts of men regularly officiating as drivers who had not been made permanent, I think I am correct in saying that some time ago the North Western Railway gave sanction to the creation of a number of additional posts.

Now, Sir, I come to matters of more general policy which Mr Joshi raised. He followed his usual technique of putting down a rather general subject under which one can introduce at least a hundred subjects at one time. But one of them was of importance and that was the question of the Provident Fund. His argument was that the railways are now making large profits and he added with a bland optimism that they will continue to do so for some time. Well, the railways may be making substantial profits but they are not getting away with those profits. There is a railway convention and a debt to the general taxpayer that do not leave us very much to play about with. And it has got to be remembered that if you give any concessions on the Provident Fund these may last more than the lifetime of any one here because they will be given to men who may give 30 years' service and to men entering after that. So that you cannot on the strength of profits earned in an exceptional time like this make concessions that may prove embarrassing many years hence. You have got to take a long-term view in extending concessions of this kind.

His second plea was to apply compulsion in the matter. If we were prepared to extend the Provident Fund to everybody there might be some ground for doing that, but not a very strong ground, I suggest, at a time when we are told that our employees are being compelled to reduce their standard of living or find great difficulty in even maintaining the standard they previously enjoyed. But apparently the intention is that I should both provide the Government contribution from one pocket and then put my hand into another pocket and by means of an extra allowance enable the employee to pay his contribution too. Obviously if we have got to limit the concessions we give, it is better to make it voluntary in order that those men who, either because their needs are greater or because they find themselves in a better position to spare the money, could take advantage of the concession. I think this represents a concession of about eight per cent on a man's pay, so that the House will realise that it is something pretty substantial.

He then alluded to the dismantled railway lines and raised the question of what would happen to the staff employed on them. We have issued instructions that these should, as far as possible, be absorbed. So long as men are willing to move elsewhere in railway employment, and that will not be true of everybody, I do not think there will be the slightest difficulty in absorbing the staff. The total length of lines we have dismantled or have given orders for dismantling is now somewhere about 240 miles, all single line and mostly serving parts of the country where traffic is poor and where the staff naturally is not extensive, and I do not think that any administration should have difficulty in providing for these men elsewhere.

Then he referred to the report on the hours of employment regulations in a speech directed, I gather, quite as much to my Honourable colleague on my right as to myself. I should like to make it clear that while we

have a member of my own service in the post just now it has never been accepted as a principle that it should be filled from outside the railways. There are obviously advantages both ways and even the most capable officer who has no previous railway experience goes with a considerable handicap to a very technical post of that kind. My Honourable friend, Mr. Joshi, said he was glad to find that the officer was not lacking in freshness or independence of mind. But I am sure he will concede that the railway officer who filled the post before him was lacking in neither of those qualities and was largely responsible for building up the system which Mr. Khaleeli is administering. He gave a very strange interpretation, however, of the table on page 9 of the report from which he drew the conclusion that only a small percentage of the staff covered by the regulations, 20 or 30 per cent were enjoying 24 hours' consecutive rest. The fact is that the 24 hours' consecutive rest is the minimum which the Convention requires, and if he will look at the other columns of the table he will find that they give percentages there of the staff who enjoy a calendar day's rest, 24 hours or more. These figures are very much larger and so far as I can see the two columns added up come to exactly or approximately 100 per cent. What the railways have done is in the case of the majority of the staff to go beyond the regulations of the Convention and to secure to the staff rest not merely for 24 hours which might begin at midday today and end at midday tomorrow but a whole calendar day which practically in all cases involves a considerably longer rest than 24 hours. He asked what action had been taken on the report. The points are receiving consideration in so far as they concern the Railway Department, but the report has only reached us this month, and apart from instructions to one railway on a matter raised by Mr. Khaleeli, I do not think we have had time to consider action in the majority of cases.

Mr. Chairman (Mr. M. S. Aney) The question is

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The motion was negatived.

Mr. Chairman (Mr. M. S. Aney) The Chair will put the demand now. There are no other cuts to be moved to demand No. 1. The question is

"That a sum not exceeding Rs. 11,52,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Railway Board'."

The motion was adopted.

DEMAND No. 2—AUDIT.

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs. 15,03,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Audit'."

Mr. Chairman (Mr. M. S. Aney) The question is

"That a sum not exceeding Rs. 15,03,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Audit'."

The motion was adopted.

DEMAND NO. 3—MISCELLANEOUS EXPENDITURE.

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs 11,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942 in respect of 'Miscellaneous Expenditure'"

Mr Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 11,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942 in respect of 'Miscellaneous Expenditure'"

The motion was adopted

DEMAND NO 5—PAYMENTS TO INDIAN STATES AND COMPANIES.

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs 3,75,20,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Payments to Indian States and Companies'"

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 3,75,20,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Payments to Indian States and Companies'"

The motion was adopted

DEMAND NO. 6-A—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs 8,33,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working expenses—Maintenance of Structural Works'"

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 8,33,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working expenses—Maintenance of Structural Works'"

The motion was adopted

DEMAND NO. 6-B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs 19,05,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working expenses—Maintenance and Supply of Locomotive Power'"

Mr. Chairman (Mr M S Aney) Motion moved

"That a sum not exceeding Rs 19,05,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working expenses—Maintenance and Supply of Locomotive Power' "

Pandit Nilakantha Das (Orissa Division Non-Muhammadan) Sir, I should like to have some information about this "maintenance and supply of locomotive power" This year only 25 locomotives are to be manufactured, if they can do it, at the Ajmer workshops, and as for the repairing of locomotives, their wheels and axles and other parts as well as boilers which are perhaps included in the locomotives, there is no knowing whether they can be obtained and when locomotives cannot be imported from foreign countries as was evident from yesterday's debate The House would like to know in detail how this is being planned and whether these articles will be obtained and how much of this should be spent in our own workshops and how much will go for imported stores and locomotives and boilers

The Honourable Sir Andrew Clow Sir, the question of the construction of locomotives does not come under this grant at all It comes under a later grant This is really for working expenses—maintenance of power Costs are necessarily very heavy that includes our coal purchases, it includes the maintenance of sheds and repair shops and all works that are necessary to keep locomotives going

Pandit Nilakantha Das: Do they include repairing?

The Honourable Sir Andrew Clow: It would include ordinary repair work I have not got any further details than the Honourable Member will find in the books placed before him, giving particulars of the demands for grants, but I should think it very unlikely that under this head or any other head there will be any large sum under imported stores

Pandit Nilakantha Das: I do not think all this money will be required

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 19,05,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working expenses—Maintenance and Supply of Locomotive Power' "

The motion was adopted

DEMAND No. 6-C—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs 6,56,90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock' "

Mr. Chairman (Mr M S Aney) The question is—

“That a sum not exceeding Rs 6,56,90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of ‘Working Expenses—Maintenance of Carriage and Wagon Stock’ ”

The motion was adopted

DEMAND No. 6 D—WORKING EXPENSES—MAINTENANCE AND WORKING OF FERRY STEAMERS AND HARBOURS.

The Honourable Sir Andrew Clow: Sir I move

‘That a sum not exceeding Rs 32 97,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1942 in respect of Working Expenses—Maintenance and Working of Ferry Steamers and Harbours

Mr. Chairman (Mr M S Aney) The question is

“That a sum not exceeding Rs 32 97,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of Working Expenses—Maintenance and Working of Ferry Steamers and Harbours ’

The motion was adopted

DEMAND No. 6-E—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

The Honourable Sir Andrew Clow: Sir, I move

“That a sum not exceeding Rs 10 95,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of Working Expenses—Expenses of Traffic Department’ ”

Mr. Chairman (Mr M S Aney) Motion moved

‘That a sum not exceeding Rs 10,95,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of Working Expenses—Expenses of Traffic Department’ ”

Indianisation of Higher and Responsible Positions

Pandit Nilakantha Das: Sir, I have a small cut here that the working expenses be reduced by Rs 100

Mr. Chairman (Mr M S Aney) The Honourable Member can move
it

Pandit Nilakantha Das: Sir, I move

“That the demand under the head ‘Working Expenses—Expenses of Traffic Department’ be reduced by Rs 100 ”

I shall take only one minute I want to know what the Department is doing for appointing Indians in the higher posts of the Railway Department

Mr. Chairman (Mr M S Aney) What is the number of the Honourable Member's cut?

Pandit Nilakantha Das: It is No 9 on late list, Sir

I think the posts of General Manager and such other key posts should be included in this Traffic Department. So long we have not been able to get even one General Manager permanently for any of the railways. Perhaps on the E B R there was an Indian appointed as General Manager for a time,—I do not know whether he has been made permanent,—but he was there for a time. There are many Railways in this country, and the State is purchasing them one after another. We are also saying so much about Indianisation, but so long as the key posts, like the General Manager and others, are not Indianised, there is little meaning in Indianisation. I should like to know what is being done either to promote from the ranks or to recruit suitable Indians to positions like General Manager and others on our railways. If this is not done rapidly, and with a plan at a time like this, we do not know what would happen in the future, because Indians should take charge of these key positions, and they should no longer depend on people who have experience in other countries to run our railways. I should like to have some kind of undertaking from the Honourable Member in charge that there will be some kind of scheme or plan for recruiting Indians to these key positions as soon as possible.

Mr. Chairman (Mr M S Aney) Cut motion moved

"That the demand under the head Working Expenses—Expenses of Traffic Department be reduced by Rs 100"

The Honourable Sir Andrew Clow: Sir, I do not think most of the remarks made by my friend, Pandit Nilakantha Das, were quite germane to this grant, because this relates to the Traffic Department, and he seems to be talking about general administration which comes under the following demands. I may, however, say that he is mistaken in supposing that the General Manager of the Eastern Bengal Railway was only officiating for a short time. The present permanent General Manager of that railway is an Indian, and we have recently appointed an Indian to the important post of Chief Operating Superintendent on the East Indian Railway. This post comes in the Traffic Department and is a traffic post. I am afraid I could not accept the suggestion that there should be a plan for filling all the higher posts by Indians, because that would obviously involve discrimination in an objectionable form. We do not, in selecting officers, give preference to those who belong to one

Pandit Nilakantha Das: Are not people taken from the Department with special qualifications for technical and other branches, for instance, Sir Guthrie Russell, Mr Ingoldby, and others were taken

The Honourable Sir Andrew Clow: We certainly select people with special qualifications, and these men are both Europeans and Indians, but we do not make a special point of picking them, because they happen to belong to a particular community or race

Mr. Chairman (Mr M S Aney) Does the Honourable Member want the motion to be put?

Pandit Nilakantha Das: No, Sir

Mr. Chairman (Mr M S Aney) Then does he withdraw it?

Pandit Nilakantha Das: I should like to withdraw it with the leave of the House.

Mr. Chairman (Mr M S Aney) Has the Honourable Member the leave of the House to withdraw his motion?

Several Honourable Members: Yes, Yes

The motion was, by leave of the Assembly, withdrawn

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 10,95,75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Expenses of Traffic Department' "

The motion was adopted

DEMAND NO. 6-F—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs 4,03,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Expenses of General Departments' "

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 4,03,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Expenses of General Departments' "

The motion was adopted

DEMAND NO. 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES.

The Honourable Sir Andrew Clow: Sir, I move

"That a sum not exceeding Rs 4,74,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Miscellaneous Expenses' "

Mr. Chairman (Mr M S Aney) Motion moved

"That a sum not exceeding Rs 4,74,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Miscellaneous Expenses' "

Sir F. E. James: May I ask one question? This demand includes a larger payment to the Defence Department as the railways' share of the ecclesiastical expenditure. I think that the grant has been increased from Rs 2 to Rs 5 lakhs. I take it that that is a readjustment as between departmental responsibilities, but I should like to know, if possible, on what basis the additional grant has been made, and whether this amount has been fixed for a period of years, or whether it is liable to revision each year.

The Honourable Sir Andrew Olow: The position is that the ecclesiastical expenditure of Government was reviewed by a committee two or three years ago. The subject had been raised by the Auditor General, and they found that there was no logical system on which the expenditure was assigned. The committee endeavoured to assign the expenditure on the strength of entitled persons, that is, persons who, by the conditions of their service, are entitled to ecclesiastical ministrations. The result of that was unfortunate for the railways, because it was discovered that the expenditure which they actually met from their own budget was considerably in defect of the allocation which the committee proposed. The increase, therefore, represents a re-allocation and not an increase in actual expenditure by Government as a whole. It represents a larger charge on railway revenues with a corresponding saving to the general revenues. As regards review of the expenditure, I am not responsible for the ecclesiastical department, but I believe that the arrangement is that all ecclesiastical expenditure is reviewed on a quinquennial basis with a view to securing any reductions that may be justified in the light of changed conditions.

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 4,74,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted

DEMAND NO. 6-H—WORKING EXPENSES—EXPENSES OF ELECTRICAL DEPARTMENT

The Honourable Sir Andrew Olow: Sir, I move

"That a sum not exceeding Rs 3,75,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Expenses of Electrical Department'."

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 3,75,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Working Expenses—Expenses of Electrical Department'."

The motion was adopted

DEMAND No 7—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND

The Honourable Sir Andrew Clow: Sir I move

"That a sum not exceeding Rs 12,68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942 in respect of 'Working Expenses—Appropriation to Depreciation Fund' "

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 12,68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942 in respect of 'Working Expenses—Appropriation to Depreciation Fund' "

The motion was adopted

DEMAND No 8—INTEREST CHARGES

The Honourable Sir Andrew Clow: Sir I move

"That a sum not exceeding Rs 2,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Interest Charges' "

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 2,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Interest Charges' "

The motion was adopted

DEMAND No 10—APPROPRIATION TO RESERVE

The Honourable Sir Andrew Clow: Sir I move

"That a sum not exceeding Rs 1,54,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Appropriation to Reserve' "

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 1,54,84,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942 in respect of 'Appropriation to Reserve' "

The motion was adopted

DEMAND No 11—NEW CONSTRUCTION

The Honourable Sir Andrew Clow: Sir I move

"That a sum not exceeding Rs 11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'New Construction' "

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'New Construction' "

The motion was adopted

DEMAND NO 12 —OPEN LINE WORKS

The Honourable Sir Andrew Clow: Sir I move

"That a sum not exceeding Rs 15,54,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Open Line Works'."

Mr. Chairman (Mr M S Aney) Motion moved

"That a sum not exceeding Rs 15,54,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942 in respect of 'Open Line Works'."

Mr. Lalchand Navarai: I would like to draw the attention of the Honourable Member with regard to the open line that he has opened very recently between Larkana and Jacobabad. A stitch in time saves nine, but that policy has not been followed in building this line. The line has been built, but it is very dusty and dirty. No ballast has been put upon it at all. At present trains are running very slowly, and there is loss of time. Therefore, it is very necessary that from that point of view also ballast ought to be put on this line. There is also another question in connection with this. When this line was built, they put up an island platform at the Larkana station. But there again economy is being made which is, in my opinion, false economy. The bridge that has been put on that platform is not a whole bridge at all. I referred this point to the Honourable Member by a letter, and he gave me again the question of economy. He said that they cannot spare so much money, but the point was that when the plans and estimates were prepared, this whole bridge towards the town side was provided for, and, at the local Advisory Committee, it was pressed upon the General Manager that the whole bridge should be built, so that people may come from the townside. Now they go to the other side by a crossing and they then go from the back door. Now, they have built only a bridge to go to the platform, and not to the town, with the same difficulty that you have got to pass the crossing, and there is so much delay. That complaint has been brought to the Honourable Member's notice. Therefore, Sir, these two things are very important. At this time I do not want to take up the time of the House any more, because we are expecting some holiday, at least of an hour or so. The Honourable Member knows these two things with regard to ballasting the line and also with regard to the whole bridge being built, which will remove so much of inconvenience which has been complained of since a very long time.

The Honourable Sir Andrew Clow: My Honourable friend is hard to please. The preceding grant during which he was enjoying a little holiday related entirely to Sind—every rupee to be spent in that province and the only province distinguished by a whole grant for itself in the course of this budget. This grant here relates, of course, not to the opening of new lines but to the maintenance of open lines. I am aware of the dissatisfaction with the ballast provided on two of the four feeder lines that have been built in Sind but the provision of stone ballast would have added very largely to the expense and might have jeopardised in fact the building of the line altogether if we had had to incur that expenditure.

Sir F. E. James: Sind is very short of ballast too.

The Honourable Sir Andrew Clow: Metaphorically? I am afraid I cannot remedy that. As regards the Larkana station, I am afraid that, if the letter I sent to the Honourable Member has failed to convince him, no speech of mine will have any different effect. I can only say that I have actually had the honour of visiting Larkana and seeing the place for myself, and I cannot give him any further satisfaction than that.

Pandit Nilakantha Das: Sir, I have got an amendment to this demand.

Mr. Chairman (Mr M S Aney): The Honourable Member cannot move it now. He can speak on it if he likes.

Pandit Nilakantha Das: I wish to bring to the notice of the Honourable Member a few facts about the shed at Puri railway station platform. I do not know if the Honourable Member has seen the Puri station. It has got four platforms and some seven or eight trains start from it every day, and seven or eight trains come to it every day, and Puri is a place of pilgrimage. Now, the platforms are very long and people come down from the trains and they wait on the platforms. Perhaps our friends know that Puri has got 50 inches of rain every year and, particularly at the time of the great car festival of Puri, there is practically incessant rain and I should request the Honourable Member to see to it that provision is made to build a shed on the platform. Of course, it belongs to the Bengal Nagpur Railway. I may point out that during the last three years, and for the first time in its life, the railway is giving some money to the Government and now, it will be perhaps easy for the Honourable Member to direct the railway to put a shed on that platform. Another difficulty is that the Bengal Nagpur Railway has only one line. Except from Howrah to Khargpur, all other lines are single lines and the stations are generally on one side. There is no overbridge and between Puri and Howrah many trains generally start and there are crossings at wayside stations. So, I should like that the Honourable Member should see to it that some crossing stations should be fixed and on those stations particularly, the platforms should be so extended as to hold two trains standing on end, i.e., meeting end to end, one from one side and other from the other side, so that passengers from both the trains can reach the platform. These are the two difficulties. The B N R is somewhat rich in these three years and there is also the prospect of its being rich year after year. I draw the attention of the Honourable Member to the necessity for these amenities. These two things should be done.

Mr. J. H. F. Raper (Government of India Nominated Official): I would inform the Honourable Member that this matter has had the attention of the Bengal Nagpur Railway Company, and they have decided to construct two waiting sheds, one on each platform, when funds are available. There would, of course, be the difficulty in getting steel, even if funds were available. With regard to the platform, I understood the suggestion was that the platform should be lengthened. That means

Pandit Nilakantha Das: should be extended to hold two trains

Sardar Sant Singh: One over the other

Mr. J. H. F. Raper: It is now an unusual arrangement to build a very long platform so as to receive two trains, for a scissors crossing is required in the centre and the length becomes excessive

Sir F. E. James: Make it of rubber, so that you can stretch it

Mr. J. H. F. Raper: I am afraid that is impossible, and the lengthening of the platforms so as to receive two trains does not seem to be a practical proposition

Mr. Chairman (Mr M S Aney) The question is

"That a sum not exceeding Rs 15,54,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1942, in respect of 'Open Line Works' "

The motion was adopted

The Assembly then adjourned till Eleven of the Clock on Friday, the 28th February, 1941

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